

# STATE OF NEW YORK

2187

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

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

AN ACT to amend the general business law, in relation to prohibiting the provision of any quantity of an electronic liquid

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

1 Section 1. The general business law is amended by adding a new  
2 section 391-w to read as follows:

3 § 391-w. Electronic liquids or e-liquids; prohibition. 1. No person,  
4 firm, corporation, partnership, association, limited liability company  
5 or other entity shall sell, offer to sell or give away, for either  
6 retail, wholesale or promotional purposes, an electronic liquid or e-li-  
7 quid used to refill an electronic cigarette or cartridge. Provided,  
8 however, that the commissioner of health may exempt a registered  
9 in-state manufacturer of e-liquids from the provision of this section.

10 2. Any person, firm, corporation, partnership, association, limited  
11 liability company or other entity that violates the provisions of subdi-  
12 vision one of this section shall be subject to a civil penalty of not  
13 more than five hundred dollars for each separate violation of such  
14 subdivision, to be recovered by any enforcement authority designated by  
15 a municipality or political subdivision in which such violation  
16 occurred.

17 3. For the purposes of this section, "liquid nicotine", "electronic  
18 liquid" or "e-liquid" means a liquid composed of nicotine and other  
19 chemicals, and which is sold as a product that may be used in an elec-  
20 tronic cigarette, as defined by subdivision thirteen of section thirteen  
21 hundred ninety-nine-aa of the public health law.

22 4. The provisions of this section shall not apply to any liquid nico-  
23 tine, electronic liquid or e-liquid that is contained in a prefilled,  
24 sealed cartridge that is sold, marketed or intended for use in an elec-  
25 tronic cigarette, as defined by subdivision thirteen of section thirteen

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

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1 hundred ninety-nine-aa of the public health law, provided that such  
2 cartridge is prefilled and sealed by the manufacturer, and not intended  
3 to be opened by the consumer.  
4 § 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.