STATE OF NEW YORK

223

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 and the general business law, in relation to the labeling of electronic cigarette products and packaging

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

Section 1. Subdivision 7 of section 1399-cc of the public health law, as amended by chapter 100 of the laws of 2019, is amended to read as follows:

7. No person operating a place of business wherein tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any tobacco product, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes in any manner, unless such products and cigarettes are stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to tobacco businesses, as defined in subdivision eight of section thirteen hundred ninety-nine-aa of this article, and to places to which admission is restricted to persons twenty-one years of age or older. **Provided, further, that, in the case of electronic cigarettes, the product and the packages thereof shall comply with the provisions of section three hundred ninety-eight-g of the general business law.**

§ 2. The general business law is amended by adding a new section 398-g to read as follows:

§ 398-g. Electronic cigarette product and package labeling. 1. Every package containing an electronic cigarette and the electronic cigarette itself, as defined in subdivision thirteen of section thirteen hundred ninety-nine-aa of the public health law, sold, offered for sale or

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

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otherwise distributed without charge within this state, shall be designed by the department of health and such package containing an electronic cigarette and the electronic cigarette itself shall include printed thereon or attached thereto a health warning and disclaimer label designed by the department of health.

2. Any person, firm, corporation or association who violates the provisions of this section shall be subject to a civil penalty of not more than one thousand dollars for each such violation.

§ 3. The department of health shall design and standardize all electronic cigarette designs, including, but not limited to, the electronic cigarette itself, the electronic cigarette packaging, a prominent health warning and disclaimer on the actual product and the packaging of such product.

§ 4. This act shall take effect on the one hundred twentieth 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.