

# STATE OF NEW YORK

83

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 prohibiting the  
sale or distribution of electronic cigarettes without federal food and  
drug administration premarket order of approval

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

- 1 Section 1. The public health law is amended by adding a new section  
2 1399-cc-1 to read as follows:  
3 § 1399-cc-1. Sale or distribution of electronic cigarettes lacking  
4 federal food and drug administration premarket order of approval prohib-  
5 ited. 1. The sale or distribution by an establishment of an electronic  
6 cigarette is prohibited where the electronic cigarette:  
7 (a) is a new tobacco product;  
8 (b) requires premarket review under 21 U.S.C. § 387j, as may be  
9 amended from time to time; and  
10 (c) does not have a premarket review order under 21 U.S.C. §  
11 387j(c)(1)(A)(i), as may be amended from time to time.  
12 2. Any person, firm, corporation, partnership, association, limited  
13 liability company, or other entity that violates the provisions of this  
14 section shall be subject to a civil penalty of not less than ten thou-  
15 sand dollars per violation, recoverable in an action by the attorney  
16 general or by any enforcement authority designated by any municipality  
17 or political subdivision.  
18 § 2. This act shall take effect on the one hundred twentieth day after  
19 it shall have become a law.

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

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