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 Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 1399-cc-1 to read as follows:

§ 1399-cc-1. Sale or distribution of electronic cigarettes lacking federal food and drug administration premarket order of approval prohibited. 1. The sale or distribution by an establishment of an electronic cigarette is prohibited where the electronic cigarette:

(a) is a new tobacco product;

(b) requires premarket review under 21 U.S.C. § 387j, as may be amended from time to time; and

(c) does not have a premarket review order under 21 U.S.C. § 387j(c)(1)(A)(i), as may be amended from time to time.

2. Any person, firm, corporation, partnership, association, limited liability company, or other entity that violates the provisions of this section shall be subject to a civil penalty of not less than ten thousand dollars per violation, recoverable in an action by the attorney general or by any enforcement authority designated by any municipality or political subdivision.

§ 2. This act shall take effect on the one hundred twentieth day after 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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