STATE OF NEW YORK

9017

IN ASSEMBLY

February 5, 2024

Introduced by M. of A. SOLAGES -- 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 prohibiting the sale of certain hazardous inhalants to persons under the age of twenty-one

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

Section 1. Paragraph (b) of subdivision 1 and subdivision 4 of section 3380 of the public health law, as amended by chapter 234 of the laws of 1985, are amended to read as follows:

(b) As used in this section hazardous inhalants shall mean and include any of the preparations of compounds containing one or more of the chemical compounds; amyl nitrite, isoamyl nitrite, butyl nitrite, isobutyl nitrite, pentyl nitrite or any other [~~akyl~~] alkyl nitrite compound that is either designed to be used, or commonly used, as an inhalant.

4. No person shall sell, or offer to sell, to any other person any tube or other container of any hazardous inhalants or glue containing a solvent having the property of releasing toxic vapors or fumes:

(a) if he has knowledge that the product sold, or offered for sale, will be used for the purpose set forth in subdivision two of this section; or

(b) unless there has been added to such glue a sufficient quantity of an additive, approved by the commission, which shall act as a deterrent to inhalation, and not be harmful or toxic to the human body. This provision shall not apply to hazardous inhalants or glue manufactured and sold for industrial use; or

(c) where such other person is under the age of twenty-one years; provided, however, that this paragraph shall not apply to the inhalation of any anesthesia or inhalant for medical or dental purposes or where permitted under paragraph (b) of this subdivision.

§ 2. The general business law is amended by adding a new section 399-hhhh to read as follows:

§ 399-hhhh. Sale of hazardous inhalants. 1. No person, corporation, partnership, limited liability company, firm or any other business

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

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entity doing business within this state shall sell or offer for sale hazardous inhalants as defined by section thirty-three hundred eighty of the public health law, except where permitted by such section, to any person under the age of twenty-one.

2. Any person, corporation, partnership, limited liability company, firm, or any other business entity doing business within the state selling, offering for sale, or distributing hazardous inhalants shall require proof of legal age prior to allowing an individual to purchase or receive a shipment of hazardous inhalants. Such identification shall not be required of any individual who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale or distribution of hazardous inhalants to an individual under twenty-one years of age.

3. Any person, corporation, partnership, limited liability company, firm or any other business entity that violates the provisions of this section shall be subject to a civil penalty of not more than two hundred fifty dollars for an initial offense and not more than five hundred dollars for the second and each subsequent offense, provided this section shall not be construed to limit any other criminal or civil liability such person, corporation, partnership, limited liability company, firm or other business entity may be subject to under law.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.