STATE OF NEW YORK

4477--A

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting the sale of flavored smokeless tobacco within five hundred feet of a public or private elementary or secondary school

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 of flavored smokeless tobacco; restrictions. 1. No flavored smokeless tobacco product or component may be sold within five hundred feet of any public or private elementary or secondary school. For purposes of this subdivision, the term "flavored smokeless tobacco" shall mean any smokeless tobacco product containing, made of, or derived from tobacco or nicotine that is intended to be placed by the consumer in an oral cavity and contains a constituent that imparts a characterizing flavor. For the purposes of this section, the term "characterizing flavor" shall mean a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, herb, spice, or menthol, or any concept flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor.

2. The measurements in subdivision one of this section are to be taken in straight lines from the nearest point of the property line of the

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

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parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located.

3. Violations of this section shall be enforced pursuant to section thirteen hundred ninety-nine-ff of this article, except that any person may submit a complaint to an enforcement officer reporting that a violation of this section has occurred.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.