STATE OF NEW YORK

7174

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to public display or advertisements of cannabis products

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

Section 1. Section 1399-dd-1 of the public health law, as added by section 13 of part EE of chapter 56 of the laws of 2020, is amended to read as follows:

§ 1399-dd-1. Public display of tobacco product and electronic cigarette advertisements and smoking paraphernalia prohibited. 1. For purposes of this section:

(a) "Advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine, a trademark of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine [~~or~~], a trade name associated exclusively with a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine or to promote the use or sale of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine**, or words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof which are associated with cannabis use or cannabis products as defined in section three of the cannabis law and which are intended or reasonably expected to promote the sale of such products**.

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

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(b) "Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.

(c) "Vapor product" means any vapor product, as defined by section thirteen hundred ninety-nine-aa of this article, intended or reasonably expected to be used with or for the consumption of nicotine.

(d) "Tobacco products" shall have the same meaning as in subdivision five of section thirteen hundred ninety-nine-aa of this article.

(e) "Electronic cigarette" shall have the same meaning as in subdivision thirteen of section thirteen hundred ninety-nine-aa of this article.

2. (a) No person, corporation, partnership, sole proprietor, limited partnership, association or any other business entity may place, cause to be placed, maintain or to cause to be maintained, smoking paraphernalia or **advertisements for any** tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine [~~**advertisements**~~] in a store front or exterior window or any door which is used for entry or egress by the public to the building or structure containing a place of business within one thousand five hundred feet of a school, provided that within New York city such prohibitions shall only apply within five hundred feet of a school.

(b) Any person, corporation, partnership, sole proprietor, limited partnership, association or any other business entity in violation of this section shall be subject to a civil penalty of not more than five [~~**hundred**~~] **thousand** dollars for a first violation and not more than [~~**one**~~] **ten** thousand dollars for a second or subsequent violation.

3. An enforcement officer, or the department where no enforcement officer has been designated, shall conduct random inspections on a quarterly basis of each retail dealer licensed to sell cigarettes, tobacco products, or vapor products at establishments located within the jurisdiction of such enforcement officer or office, to determine compliance with the provisions of this section.

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