# STATE OF NEW YORK

7771

2023-2024 Regular Sessions

# IN SENATE

November 27, 2023

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

AN ACT to amend the public health law, in relation to prohibiting the sale of disposable electronic cigarettes

**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-dd-2 to read as follows:

**§ 1399-dd-2. Sale of disposable electronic cigarettes prohibited. 1. For the purposes of this section, "disposable electronic cigarette" or "disposable e-cigarette" means any electronic cigarette or e-cigarette, as defined in subdivision thirteen of section thirteen hundred ninety-nine-aa of this article, that cannot be refilled with vapor products.**

**2. No person, firm, partnership, company, corporation or dealer shall sell or offer for sale at retail in the state any disposable electronic cigarette product.**

**3. Any person, firm, partnership, company, corporation or dealer, or any agent or employee of a person, firm, partnership, company, corporation or dealer, who violates the provisions of this section shall be subject to a civil penalty of not more than one hundred dollars for each individual package of disposable electronic cigarette product sold or offered for sale, provided, however, that with respect to a manufacturer, it shall be an affirmative defense to a finding of violation pursuant to this section that such sale or offer of sale, as applicable, occurred without the knowledge, consent, authorization, or involvement, direct or indirect, of such manufacturer. 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 that a violation of this section has occurred.**

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

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

LBD11879-02-3