# STATE OF NEW YORK

10639

# IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Solages, Gray, K. Brown) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the use of vaping devices and the consumption of vaporized substances within educational institutions

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

Section 1. Subdivision 5 of section 1399-o of the public health law, as added by chapter 102 of the laws of 2017, is amended to read as follows:

5. a. [~~Use of an electronic cigarette or e-cigarette~~] **Vaping, as defined in subdivision nine of section thirteen hundred ninety-nine-n of this article,** shall not be permitted [~~on school grounds, as defined in subdivision six of section thirteen hundred ninety-nine-n of this article~~] **in any educational institution**.

b. [~~"Electronic cigarette" or "e-cigarette" shall have the same meaning as in subdivision thirteen of section thirteen hundred ninety-nine-aa of this chapter.~~] **"Educational institution" shall mean any building, structure, and surrounding outdoor grounds contained within a public or private school, including pre-schools, nursery schools, primary schools, secondary schools, and higher education institutions, including classrooms, libraries, laboratories, restrooms, cafeterias, and all other indoor and outdoor areas owned or operated by the educational institutions.**

**c. Educational institutions shall educate students, teachers, staff, and parents about the health risks associated with vaping and provide information on available resources for smoking cessation.**

**d. (i) School administrators, teachers, resource officers and staff members shall be responsible for monitoring and enforcing compliance with this subdivision.**

**(ii) Violators of this subdivision shall be subject to appropriate disciplinary action, pursuant to the policies of the respective educational institution.**

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

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**(iii) In case of repeated violations or non-compliance, educational institutions may report the matter to the appropriate authorities for further legal action, pursuant to applicable laws and regulations.**

**(iv) The department of education, in cooperation with the department, shall develop an audio and online reporting program for incidents of persistent occurrences.**

**e. (i) The department of education shall provide support and guidance to educational institutions in implementing and enforcing the provisions of this subdivision.**

**(ii) Government agencies, including but not limited to county public health and nonprofit organizations, shall collaborate with educational institutions to develop educational programs and awareness campaigns highlighting the risks and consequences of vaping.**

§ 2. Subdivision 3 of section 1399-p of the public health law, as amended by chapter 335 of the laws of 2017, is amended to read as follows:

3. The provisions of this section shall apply to after-school programs that are subject to the provisions of subdivision four of section thirteen hundred ninety-nine-o of this article **and educational institutions that are subject to the provisions of subdivision five of section thirteen hundred ninety-nine-o of this article**, provided that signs posted pursuant to this subdivision shall specify the specific time period during which smoking and vaping shall be prohibited.

§ 3. This act shall take effect August 1, 2024. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.