

# STATE OF NEW YORK

188

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the  
sale of electronic cigarettes that contain certain toxic metals and  
requiring the department of health to study the long term health  
effects of using electronic cigarettes

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

1 Section 1. The public health law is amended by adding a new section  
2 1399-gg-1 to read as follows:

3 § 1399-gg-1. Prohibition on the sale of electronic cigarettes that  
4 contain toxic metals. 1. The department shall establish a list of  
5 toxins which persons engaged in the business of manufacturing, selling  
6 or otherwise distributing electronic cigarettes or any agent or employee  
7 of such person shall be prohibited from using in the manufacture of such  
8 electronic cigarettes. Such list shall include, but not be limited to,  
9 lead, manganese, nickel, chromium, zinc and other toxic metals. Such  
10 list shall be regularly updated and shall be published on the depart-  
11 ment's website.

12 2. No person engaged in the business of manufacturing, selling or  
13 otherwise distributing electronic cigarettes or any agent or employee of  
14 such person shall manufacture, sell, or otherwise distribute electronic  
15 cigarettes that contain a toxin included on the list established by the  
16 department pursuant to subdivision one of this section, including in the  
17 heating element or any other internal part of such electronic ciga-  
18 rettes.

19 § 2. The department of health shall promulgate any rules and regu-  
20 lations, including, but not limited to establishing a list of toxins  
21 that are prohibited in the manufacture of electronic cigarettes as

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

LBD00669-01-3

1 required by section thirteen hundred ninety-nine-gg-1 of the public  
2 health law, as added by section one of this act.

3 § 3. Paragraph (v) of subdivision 1 of section 206 of the public  
4 health law, as added by chapter 100 of the laws of 2016, is relettered  
5 paragraph (w) and a new paragraph (x) is added to read as follows:

6 (x) direct the department to study the long term health effects on  
7 users of electronic cigarettes. Such study shall include data on the  
8 long term health effects of inhaling heated aerosols contained in elec-  
9 tronic cigarettes.

10 § 4. This act shall take effect on the one hundred eightieth day after  
11 it shall have become a law. Effective immediately, the addition, amend-  
12 ment and/or repeal of any rule or regulation necessary for the implemen-  
13 tation of this act on its effective date are authorized to be made and  
14 completed on or before such effective date.