

# STATE OF NEW YORK

8069

2023-2024 Regular Sessions

## IN ASSEMBLY

September 27, 2023

Introduced by M. of A. GRAY, BLANKENBUSH -- 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:

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

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

9 b. [~~"Electronic cigarette" or "e-cigarette" shall have the same mean-~~  
10 ~~ing as in subdivision thirteen of section thirteen hundred ninety-nine-~~  
11 ~~aa of this chapter.~~] "Educational institution" shall mean any building,  
12 structure, and surrounding outdoor grounds contained within a public or  
13 private school, including pre-schools, nursery schools, primary schools,  
14 secondary schools, and higher education institutions, including class-  
15 rooms, libraries, laboratories, restrooms, cafeterias, and all other  
16 indoor and outdoor areas owned or operated by the educational insti-  
17 tutions.

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

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

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

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1 (ii) Violators of this subdivision shall be subject to appropriate  
2 disciplinary action, pursuant to the policies of the respective educa-  
3 tional institution.

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

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

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

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

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

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

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