

STATE OF NEW YORK

6642

2023-2024 Regular Sessions

IN SENATE

May 3, 2023

Introduced by Sen. CLEARE -- 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 targeted and updated education and outreach related to tobacco and vapor products

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

1 Section 1. Subdivision 2 of section 1399-ii of the public health law,
2 as amended by section 12 of part EE of chapter 56 of the laws of 2020,
3 is amended to read as follows:

4 2. The department shall support tobacco and vapor product use
5 prevention and control activities including, but not limited to:

6 (a) Community programs to prevent and reduce tobacco use through local
7 involvement and partnerships;

8 (b) School-based programs to prevent and reduce tobacco use and use of
9 vapor products;

10 (c) Marketing and advertising to discourage tobacco~~[r]~~ and vapor prod-
11 uct ~~[and liquid nicotine]~~ especially among consumers historically
12 targeted by tobacco and vapor product advertising and manufacturers;

13 (d) Nicotine cessation programs for youth and adults;

14 (e) Special projects to reduce the disparities in smoking prevalence
15 among various populations;

16 (f) Restriction of youth access to tobacco products and vapor
17 products;

18 (g) Surveillance of smoking and vaping rates; and

19 (h) Any other activities determined by the commissioner to be neces-
20 sary to implement the provisions of this section.

21 Such programs shall be selected by the commissioner through an appli-
22 cation process which takes into account whether a program utilizes meth-
23 ods recognized as effective in reducing ~~[nicotine]~~ tobacco or vapor
24 product use. Eligible applicants may include, but not be limited to, a
25 health care provider, schools, a college or university, a local public

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

LBD11133-01-3

1 health department, a public health organization, a health care provider
2 organization, association or society, municipal corporation, or a
3 professional education organization.

4 § 2. Section 1399-ii-1 of the public health law, as added by section
5 11 of part EE of chapter 56 of the laws of 2020, is amended to read as
6 follows:

7 § 1399-ii-1. [~~Electronic cigarette and vaping~~] Vapor product
8 prevention, awareness and control program. The commissioner shall, in
9 consultation and collaboration with the commissioner of education,
10 establish and develop [~~an electronic cigarette and vaping~~] a vapor prod-
11 uct prevention, control and awareness program within the department.
12 Such program shall be designed to educate students, parents and school
13 personnel about the health risks associated with vapor product use and
14 control measures to reduce the prevalence of vaping, particularly among
15 persons less than twenty-one years of age. Such program shall include,
16 but not be limited to, the creation of age-appropriate instructional
17 tools and materials that may be used by all schools, and marketing and
18 advertising materials to discourage [~~electronic cigarette~~] vapor product
19 use.

20 § 3. This act shall take effect on the first of September next
21 succeeding the date on which it shall have become a law. Effective imme-
22 diately, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized to be made and completed on or before such effective date.