

STATE OF NEW YORK

7174

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. BAILEY -- 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 public display or advertisements of cannabis products

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

1 Section 1. Section 1399-dd-1 of the public health law, as added by
2 section 13 of part EE of chapter 56 of the laws of 2020, is amended to
3 read as follows:

4 § 1399-dd-1. Public display of tobacco product and electronic ciga-
5 rette advertisements and smoking paraphernalia prohibited. 1. For
6 purposes of this section:

7 (a) "Advertisement" means words, pictures, photographs, symbols,
8 graphics or visual images of any kind, or any combination thereof, which
9 bear a health warning required by federal statute, the purpose or effect
10 of which is to identify a brand of a tobacco product, electronic ciga-
11 rette, or vapor product intended or reasonably expected to be used with
12 or for the consumption of nicotine, a trademark of a tobacco product,
13 electronic cigarette, or vapor product intended or reasonably expected
14 to be used with or for the consumption of nicotine [~~or~~], a trade name
15 associated exclusively with a tobacco product, electronic cigarette, or
16 vapor product intended or reasonably expected to be used with or for the
17 consumption of nicotine or to promote the use or sale of a tobacco prod-
18 uct, electronic cigarette, or vapor product intended or reasonably
19 expected to be used with or for the consumption of nicotine, or words,
20 pictures, photographs, symbols, graphics or visual images of any kind,
21 or any combination thereof which are associated with cannabis use or
22 cannabis products as defined in section three of the cannabis law and
23 which are intended or reasonably expected to promote the sale of such
24 products.

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

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1 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-
2 ing papers, electronic cigarette, vaporizer or any other device, equip-
3 ment or apparatus designed for the inhalation of tobacco or nicotine.

4 (c) "Vapor product" means any vapor product, as defined by section
5 thirteen hundred ninety-nine-aa of this article, intended or reasonably
6 expected to be used with or for the consumption of nicotine.

7 (d) "Tobacco products" shall have the same meaning as in subdivision
8 five of section thirteen hundred ninety-nine-aa of this article.

9 (e) "Electronic cigarette" shall have the same meaning as in subdivi-
10 sion thirteen of section thirteen hundred ninety-nine-aa of this arti-
11 cle.

12 2. (a) No person, corporation, partnership, sole proprietor, limited
13 partnership, association or any other business entity may place, cause
14 to be placed, maintain or to cause to be maintained, smoking paraper-
15 nalia or advertisements for any tobacco product, electronic cigarette,
16 or vapor product intended or reasonably expected to be used with or for
17 the consumption of nicotine [~~advertisements~~] in a store front or exteri-
18 or window or any door which is used for entry or egress by the public to
19 the building or structure containing a place of business within one
20 thousand five hundred feet of a school, provided that within New York
21 city such prohibitions shall only apply within five hundred feet of a
22 school.

23 (b) Any person, corporation, partnership, sole proprietor, limited
24 partnership, association or any other business entity in violation of
25 this section shall be subject to a civil penalty of not more than five
26 [~~hundred~~] thousand dollars for a first violation and not more than [~~one~~]
27 ten thousand dollars for a second or subsequent violation.

28 3. An enforcement officer, or the department where no enforcement
29 officer has been designated, shall conduct random inspections on a quar-
30 terly basis of each retail dealer licensed to sell cigarettes, tobacco
31 products, or vapor products at establishments located within the juris-
32 isdiction of such enforcement officer or office, to determine compliance
33 with the provisions of this section.

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