

STATE OF NEW YORK

7179

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to certain requirements for new tobacco business locations

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

1 Section 1. The general business law is amended by adding a new section
2 396-aaaa to read as follows:

3 § 396-aaaa. New tobacco business locations. 1. For purposes of this
4 section, the following terms shall have the following meanings:

5 (a) "Retail dealer" means a person licensed by the commissioner of
6 taxation and finance to sell cigarettes, tobacco products, tobacco
7 accessories or vapor products in the state of New York.

8 (b) "Tobacco business" shall have the same meaning as such term is
9 defined in subdivision eight of section thirteen hundred ninety-nine-aa
10 of the public health law.

11 (c) "Tobacco products" means one or more cigarettes or cigars, bidis,
12 chewing tobacco, powdered tobacco, nicotine water or any other tobacco
13 products.

14 (d) "Tobacco accessories" means products, equipment or paraphernalia
15 including, but not limited to, pipes, water pipes, herb grinders, vapor-
16 izers, hookahs, bongs, rolling papers or any other device, equipment or
17 apparatus designed for the inhalation of tobacco and/or nicotine.

18 (e) "Vapor product" means any vapor product, as defined by section
19 thirteen hundred ninety-nine-aa of the public health law, intended or
20 reasonably expected to be used with or for the consumption of nicotine.

21 2. (a) No retail dealer shall open a tobacco business in a city, town
22 or village having a population of twenty thousand or more within five
23 hundred feet of any existing licensed tobacco business.

24 (b) The measurement in paragraph (a) of this subdivision shall be
25 taken in a straight line from the center of the nearest entrance of the

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

LBD10384-01-3

1 premises sought to be established to the center of the nearest entrance
2 of such existing premises licensed and operating as a tobacco business.

3 3. Notwithstanding the provisions of paragraph (a) of subdivision two
4 of this section, a retail dealer shall be permitted to open a new tobac-
5 co business which shall be within five hundred feet of an existing
6 licensed tobacco business if, after consultation with the local munici-
7 pality or community board, such municipality or community board deter-
8 mines that permitting such new tobacco business to locate within five
9 hundred feet of an existing licensed tobacco business would be in the
10 public interest. The municipality or community board may conduct a hear-
11 ing or public meeting in connection with any request to locate a tobacco
12 business within five hundred feet of an existing licensed tobacco busi-
13 ness and shall provide notice to the retail dealer at least fifteen days
14 in advance of any scheduled hearing or public meeting.

15 § 2. This act shall take effect immediately.