

STATE OF NEW YORK

11509

IN ASSEMBLY

May 28, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --
read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to restricting the
sale of tobacco products; and to repeal certain provisions of such law
relating thereto

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

1 Section 1. Subdivision 2 of section 1399-bb of the public health law
2 is REPEALED.

3 § 2. Subdivisions 4 and 5 of section 1399-bb of the public health law,
4 as amended by section 4 of part EE of chapter 56 of the laws of 2020,
5 are amended to read as follows:

6 4. No retail dealer engaged in the business of selling or otherwise
7 distributing electronic cigarettes or vapor products intended or reason-
8 ably expected to be used with or for the consumption of nicotine for
9 commercial purposes, or any agent or employee of such person, shall
10 knowingly, in furtherance of such business, distribute without charge
11 any electronic cigarettes to any individual [~~under twenty-one years of~~
12 ~~age~~] born after December thirty-first, two thousand seven.

13 5. The distribution of tobacco products, electronic cigarettes, vapor
14 products intended or reasonably expected to be used with or for the
15 consumption of nicotine, or herbal cigarettes pursuant to subdivision
16 two of this section or the distribution without charge of electronic
17 cigarettes, or vapor products intended or reasonably expected to be used
18 with or for the consumption of nicotine, shall be made only to an indi-
19 vidual who demonstrates, through (a) a driver's license or non-driver
20 identification card issued by the commissioner of motor vehicles, the
21 federal government, any United States territory, commonwealth, or
22 possession, the District of Columbia, a state government within the
23 United States, or a provincial government of the dominion of Canada, (b)
24 a valid passport issued by the United States government or the govern-
25 ment of any other country, or (c) an identification card issued by the
26 armed forces of the United States, indicating that the individual [~~is at~~
27 ~~least twenty-one years of age. Such identification need not be required~~

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

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~~1 of any individual who reasonably appears to be at least twenty five~~
~~2 years of age, provided, however, that such appearance shall not consti-~~
~~3 tute a defense in any proceeding alleging the sale of a tobacco product,~~
~~4 electronic cigarette, vapor product intended or reasonably expected to~~
~~5 be used with or for the consumption of nicotine, or herbal cigarette or~~
~~6 the distribution without charge of electronic cigarettes, or vapor~~
~~7 products intended or reasonably expected to be used with or for the~~
~~8 consumption of nicotine to an individual] was born after December thir-~~
~~9 ty-first, two thousand seven.~~

10 § 3. Subdivisions 2, 3 and 7 of section 1399-cc of the public health
11 law, as amended by chapter 100 of the laws of 2019, are amended to read
12 as follows:

13 2. Any person operating a place of business wherein tobacco products,
14 herbal cigarettes, liquid nicotine, shisha or electronic cigarettes, are
15 sold or offered for sale is prohibited from selling such products,
16 herbal cigarettes, liquid nicotine, shisha, electronic cigarettes or
17 smoking paraphernalia to individuals [~~under twenty one years of age~~]
18 born after December thirty-first, two thousand seven, and shall post in
19 a conspicuous place a sign upon which there shall be imprinted the
20 following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO,
21 POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES,
22 LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING
23 PARAPHERNALIA, TO PERSONS [~~UNDER TWENTY ONE YEARS OF AGE~~] BORN AFTER
24 DECEMBER 31, 2007 IS PROHIBITED BY LAW." Such sign shall be printed on a
25 white card in red letters at least one-half inch in height.

26 3. Sale of tobacco products, herbal cigarettes, liquid nicotine,
27 shisha or electronic cigarettes in such places, other than by a vending
28 machine, shall be made only to an individual who demonstrates, through
29 (a) a valid driver's license or non-driver's identification card issued
30 by the commissioner of motor vehicles, the federal government, any
31 United States territory, commonwealth or possession, the District of
32 Columbia, a state government within the United States or a provincial
33 government of the dominion of Canada, or (b) a valid passport issued by
34 the United States government or any other country, or (c) an identifica-
35 tion card issued by the armed forces of the United States, indicating
36 that the individual [~~is at least twenty one years of age. Such identifi-~~
37 ~~cation need not be required of any individual who reasonably appears to~~
38 ~~be at least twenty five years of age, provided, however, that such~~
39 ~~appearance shall not constitute a defense in any proceeding alleging the~~
40 ~~sale of a tobacco product, herbal cigarettes, liquid nicotine, shisha or~~
41 ~~electronic cigarettes to an individual under twenty one years of age]~~
42 was born after December thirty-first, two thousand seven.

43 7. No person operating a place of business wherein tobacco products,
44 herbal cigarettes, liquid nicotine, shisha or electronic cigarettes are
45 sold or offered for sale shall sell, permit to be sold, offer for sale
46 or display for sale any tobacco product, herbal cigarettes, liquid nico-
47 tine, shisha or electronic cigarettes in any manner, unless such
48 products and cigarettes are stored for sale (a) behind a counter in an
49 area accessible only to the personnel of such business, or (b) in a
50 locked container; provided, however, such restriction shall not apply to
51 tobacco businesses, as defined in subdivision eight of section thirteen
52 hundred ninety-nine-aa of this article[~~, and to places to which admis-~~
53 ~~sion is restricted to persons twenty one years of age or older].~~

54 § 4. Section 1399-dd of the public health law, as amended by chapter
55 448 of the laws of 2012, subdivision (d) as amended by chapter 100 of
56 the laws of 2019, is amended to read as follows:

1 § 1399-dd. Sale of tobacco products, herbal cigarettes or electronic
2 cigarettes in vending machines. No person, firm, partnership, company or
3 corporation shall operate a vending machine which dispenses tobacco
4 products, herbal cigarettes or electronic cigarettes [~~unless such~~
5 ~~machine is located: (a) in a bar as defined in subdivision one of~~
6 ~~section thirteen hundred ninety nine n of this chapter, or the bar area~~
7 ~~of a food service establishment with a valid, on premises full liquor~~
8 ~~license; (b) in a private club; (c) in a tobacco business as defined in~~
9 ~~subdivision eight of section thirteen hundred ninety nine-aa of this~~
10 ~~article; or (d) in a place of employment which has an insignificant~~
11 ~~portion of its regular workforce comprised of people under the age of~~
12 ~~twenty one years and only in such locations that are not accessible to~~
13 ~~the general public; provided, however, that in such locations the vend-~~
14 ~~ing machine is located in plain view and under the direct supervision~~
15 ~~and control of the person in charge of the location or his or her desig-~~
16 ~~nated agent or employee].~~

17 § 5. Paragraphs (b) and (c) of subdivision 2 of section 1399-ll of the
18 public health law, as amended by chapter 100 of the laws of 2019, are
19 amended to read as follows:

20 (b) Any person operating a tobacco business wherein bidis is sold or
21 offered for sale is prohibited from selling such bidis to individuals
22 [~~under twenty one years of age~~] born after December thirty-first, two
23 thousand seven, and shall post in a conspicuous place a sign upon which
24 there shall be imprinted the following statement, "SALE OF BIDIS TO
25 PERSONS [~~UNDER TWENTY ONE YEARS OF AGE~~] BORN AFTER DECEMBER 31, 2007 IS
26 PROHIBITED BY LAW." Such sign shall be printed on a white card in red
27 letters at least one-half inch in height.

28 (c) Sales of bidis by a tobacco business shall be made only to an
29 individual who demonstrates, through a driver's license or other photo-
30 graphic identification card issued by a government entity or educational
31 institution indicating that the individual [~~is at least twenty one years~~
32 ~~of age. Such identification need not be required of any individual who~~
33 ~~reasonably appears to be at least twenty five years of age, provided,~~
34 ~~however, that such appearance shall not constitute a defense in any~~
35 ~~proceeding alleging the sale of a tobacco product to an individual under~~
36 ~~twenty one years of age~~] was born after December thirty-first, two thou-
37 sand seven.

38 § 6. Subdivision 1 and paragraphs (b) and (c) of subdivision 2 of
39 section 1399-mm of the public health law, as amended by chapter 100 of
40 the laws of 2019, are amended to read as follows:

41 1. No person shall knowingly sell or provide gutka to any other person
42 [~~under twenty one years of age~~] born after December thirty-first, two
43 thousand seven. No other provision of law authorizing the sale of
44 tobacco products, other than subdivision two of this section, shall
45 authorize the sale of gutka. Any person who violates the provisions of
46 this subdivision shall be subject to a civil penalty of not more than
47 five hundred dollars.

48 (b) Any person operating a tobacco business wherein gutka is sold or
49 offered for sale is prohibited from selling such gutka to individuals
50 [~~under twenty one years of age~~] born after December thirty-first, two
51 thousand seven, and shall post in a conspicuous place a sign upon which
52 there shall be imprinted the following statement, "SALE OF GUTKA TO
53 PERSONS [~~UNDER TWENTY ONE YEARS OF AGE~~] BORN AFTER DECEMBER 31, 2007 IS
54 PROHIBITED BY LAW." Such sign shall be printed on a white card in red
55 letters at least one-half inch in height.

1 (c) Sales of gutka by a tobacco business shall be made only to an
2 individual who demonstrates, through a driver's license or other photo-
3 graphic identification card issued by a government entity or educational
4 institution indicating that the individual [~~is at least twenty-one years~~
5 ~~of age. Such identification need not be required of any individual who~~
6 ~~reasonably appears to be at least twenty five years of age, provided,~~
7 ~~however, that such appearance shall not constitute a defense in any~~
8 ~~proceeding alleging the sale of a tobacco product to an individual under~~
9 ~~twenty-one years of age] was born after December thirty-first, two thou-
10 sand seven.~~

11 § 7. This act shall take effect January 1, 2028.