STATE OF NEW YORK

5406

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law and the penal law, in relation to requiring manufacturers and dealers of liquid nicotine products accept used liquid nicotine products for recycling and creates the crime of improper disposal of a liquid nicotine product

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

Section 1. The general business law is amended by adding a new section 391-x to read as follows:

§ 391-x. Return of liquid nicotine products for recycling. 1. For the purposes of this section, the term "liquid nicotine product" shall mean a product containing a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used with an electronic cigarette, as defined by subdivision thirteen of section thirteen hundred ninety-nine-aa of the public health law.

2. Manufacturers of liquid nicotine products shall accept the return of such products for recycling by liquid nicotine product dealers. Liquid nicotine product dealers shall accept the return of any used liquid nicotine products for recycling.

3. Liquid nicotine product manufacturers which import for profit, sell or offer liquid nicotine products for sale in this state shall be responsible for, at a minimum, the following:

a. Submittance to the commissioner of environmental conservation of a plan that identifies the methods by which such manufacturers will safely collect and recycle liquid nicotine products and the liquid nicotine contained therein.

b. Submittance to the department of environmental conservation of annual reports, on a form prescribed by such department, concerning the amount of liquid nicotine products received within the state and recy-

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

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cled either by number or by weight; the costs of such efforts; and any other relevant information as required by such department.

c. Undertaking of efforts to educate consumers regarding the appropriate ways to recycle liquid nicotine products.

4. The commissioner of environmental conservation shall approve or reject any liquid nicotine product manufacturer's collection, transportation, and recycling plans described in paragraph a of subdivision three of this section within ninety days of submission and, if rejected, inform the liquid nicotine product manufacturer in writing as to any deficiencies in said plan. Liquid nicotine product manufacturers shall amend and resubmit any rejected plans for reconsideration within sixty days of notification of the rejection of said plan. Such commissioner shall approve or reject said plan within thirty days of resubmission.

5. Any person, firm, corporation, partnership, association, limited liability company or other entity that violates the provisions of this section shall be subject to a civil penalty of not more than five hundred dollars for each separate violation, to be recovered by any enforcement authority designated by a municipality or political subdivision in which such violation occurred.

§ 2. The penal law is amended by adding a new section 145.75 to read as follows:

§ 145.75 Improper disposal of a liquid nicotine product.

1. For the purposes of this section, the term "liquid nicotine product" shall mean a product containing a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used with an electronic cigarette, as defined by subdivision thirteen of section thirteen hundred ninety-nine-aa of the public health law.

2. A person is guilty of improper disposal of a liquid nicotine product when they dispose of a liquid nicotine product in a manner other than by returning such product to a liquid nicotine product dealer for recycling.

3. A violation of the provisions of this section shall be punishable by a fine not to exceed two hundred fifty dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed eight hours and for any second or subsequent violation by a fine not to exceed five hundred dollars and/or a requirement to perform services for a public or not-for-profit corporation, association, institution or agency not to exceed eight hours.

§ 3. This act shall take effect immediately; provided, however, section one of this act shall take effect on the one hundred eightieth day after it shall have become a law; and provided further, however, section two of this act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.