

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:

1 Section 1. The general business law is amended by adding a new section
2 391-x to read as follows:

3 § 391-x. Return of liquid nicotine products for recycling. 1. For the
4 purposes of this section, the term "liquid nicotine product" shall mean
5 a product containing a liquid composed of nicotine and other chemicals,
6 and which is sold as a product that may be used with an electronic ciga-
7 rette, as defined by subdivision thirteen of section thirteen hundred
8 ninety-nine-aa of the public health law.

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

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

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

20 b. Submittance to the department of environmental conservation of
21 annual reports, on a form prescribed by such department, concerning the
22 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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1 cluded either by number or by weight; the costs of such efforts; and any
2 other relevant information as required by such department.

3 c. Undertaking of efforts to educate consumers regarding the appropri-
4 ate ways to recycle liquid nicotine products.

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

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

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

22 § 145.75 Improper disposal of a liquid nicotine product.

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

28 2. A person is guilty of improper disposal of a liquid nicotine prod-
29 uct when they dispose of a liquid nicotine product in a manner other
30 than by returning such product to a liquid nicotine product dealer for
31 recycling.

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

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