

STATE OF NEW YORK

77

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. DINOWITZ, GLICK, SIMON, ROSENTHAL -- read once
and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the
sale of flavored smokeless tobacco within five hundred feet of a
public or private elementary or secondary school

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

1 Section 1. The public health law is amended by adding a new section
2 1399-cc-1 to read as follows:

3 § 1399-cc-1. Sale of flavored smokeless tobacco; restrictions. 1. No
4 flavored smokeless tobacco product or component may be sold within five
5 hundred feet of any public or private elementary or secondary school.
6 For purposes of this subdivision, the term "flavored smokeless tobacco"
7 shall mean any smokeless tobacco product containing, made of, or derived
8 from tobacco or nicotine that is intended to be placed by the consumer
9 in an oral cavity and contains a constituent that imparts a characteriz-
10 ing flavor. For the purposes of this section, the term "characterizing
11 flavor" shall mean a distinguishable taste or aroma, other than the
12 taste or aroma of tobacco, imparted either prior to or during consump-
13 tion of a tobacco product, including but not limited to, tastes or
14 aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa,
15 dessert, alcoholic beverage, mint, wintergreen, herb, spice, or menthol,
16 or any concept flavor that imparts a taste or aroma that is distinguish-
17 able from tobacco flavor but may not relate to any particular known
18 flavor.

19 2. The measurements in subdivision one of this section are to be taken
20 in straight lines from the nearest point of the property line of the
21 parcel on which the school is located to the nearest point of the prop-
22 erty line of the parcel on which the business is located.

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

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1 3. Violations of this section shall be enforced pursuant to section
2 thirteen hundred ninety-nine-ff of this article, except that any person
3 may submit a complaint to an enforcement officer reporting that a
4 violation of this section has occurred.

5 § 2. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law.