

# STATE OF NEW YORK

10366

## IN SENATE

May 15, 2026

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

AN ACT to amend the public health law, in relation to requiring tobacco product retailers to offer nicotine replacement therapy products for sale

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

1 Section 1. The public health law is amended by adding a new section  
2 1399-111 to read as follows:

3 § 1399-111. Tobacco product retailers; nicotine replacement therapy  
4 products required. 1. Any entity, other than a cigar shop, that sells,  
5 offers for sale, or distributes for commercial purpose any tobacco prod-  
6 uct within the state of New York shall maintain a stock of, and offer  
7 for retail sale, at least one type of nicotine replacement therapy drug,  
8 device, or combination product that has been approved by the federal  
9 Food and Drug Administration for cessation of tobacco use.

10 2. An entity that is subject to the requirements of subdivision one of  
11 this section shall have the discretion to determine:

12 (a) the number and type of nicotine replacement therapy products that  
13 the entity will stock and offer for sale;

14 (b) the quantity of each nicotine replacement therapy product that is  
15 stocked and offered for sale; and

16 (c) whether the entity will stock and offer for sale more than one  
17 type of nicotine replacement therapy product.

18 3. An entity that is subject to the requirements of subdivision one of  
19 this section that sells out of the entity's full stock of nicotine  
20 replacement therapy products shall have five business days to place an  
21 order for a new stock of a nicotine replacement therapy product, and  
22 shall have fourteen days from the date the entity sells its last nico-  
23 tine replacement therapy product to again stock and offer for retail  
24 sale a nicotine replacement therapy product.

25 4. An entity that is subject to the requirements of subdivision one of  
26 this section shall:

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

LBD15691-01-6

1 (a) display nicotine replacement therapy products that are offered for  
2 retail sale in a location behind the sales counter;

3 (b) provide printed notice within the establishment that nicotine  
4 replacement therapy products are available for retail sale at that  
5 location; and

6 (c) display the official logo, phone number, and internet address of  
7 the New York state smokers' quitline or a successor program.

8 5. The commissioner may establish requirements concerning how and  
9 where materials described in paragraphs (b) and (c) of subdivision four  
10 of this section shall be displayed, as well as requirements concerning  
11 the size and other characteristics of such materials.

12 6. For the purposes of this section, the following terms shall have  
13 the following meanings:

14 (a) "Cigar shop" means a retail establishment wherein the only tobacco  
15 products and products related to tobacco use that are available for sale  
16 or commercial distribution are cigars and cigar accessories, including  
17 lighters, cigar cutters, humidors, and cigar carrying tubes. An estab-  
18 lishment shall be considered a cigar shop for the purposes of this  
19 section regardless of whether the establishment offers other, non-tobac-  
20 co products for sale or commercial distribution.

21 (b) "Tobacco product" means any product containing, made of, or  
22 derived from tobacco or nicotine that is intended for human consumption  
23 or is likely to be consumed, whether inhaled, absorbed, or ingested by  
24 other means, including, but not limited to, a cigarette, cigar, pipe  
25 tobacco, chewing tobacco, snuff, or snus; any vapor product; and any  
26 component, part, or accessory of a product containing, made of, or  
27 derived from tobacco or nicotine or a vapor product, regardless of  
28 whether the component, part, or accessory contains tobacco or nicotine.  
29 A tobacco product includes, but is not limited to, filters, rolling  
30 papers, blunt or hemp wraps, hookahs, and pipes.

31 § 2. This act shall take effect on the sixtieth day after it shall  
32 have become a law.