

# STATE OF NEW YORK

10401

## IN SENATE

May 15, 2026

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

AN ACT to amend the general business law, in relation to the removal of billboard advertisements related to the promotion of tobacco products, alternative nicotine products, vapor products, alcoholic beverages or gambling or sports wagering services

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  
2 396-aaaa to read as follows:

3 § 396-aaaa. Billboard advertising of alcohol, tobacco, nicotine and  
4 gambling prohibited. 1. For purposes of this section, the following  
5 terms shall have the following meanings:

6 (a) "Billboard advertisement" means any outdoor advertising display  
7 visible from a public roadway, sidewalk, park, or other public place,  
8 including static and digital billboards.

9 (b) "Digital billboard" means a one or multi-sided outdoor advertising  
10 sign that displays digital images using light-emitting diode technology  
11 or any such similar technology.

12 (c) "Tobacco products" shall have the same meaning as defined in  
13 subdivision five of section thirteen hundred ninety-nine-aa of the  
14 public health law.

15 (d) "Alternative nicotine product" means any noncombustible product,  
16 other than vapor products, which contains nicotine but not tobacco and  
17 is intended for human consumption, whether chewed, absorbed, dissolved,  
18 or ingested by any other means. "Alternative nicotine product" shall not  
19 include any product regulated as a drug or device by the U.S. Food and  
20 Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of  
21 the Federal Food, Drug, and Cosmetic Act. The term "unit" as it relates  
22 to alternative nicotine products means any cannister, pack, box, carton,  
23 or container of any kind or, if no other container, any wrapping, in  
24 which an alternative nicotine product is offered for sale, sold, or  
25 otherwise distributed to consumers.

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

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1 (e) "Vapor products" shall have the same meaning as defined in subdi-  
2 vision seventeen of section thirteen hundred ninety-nine-aa of the  
3 public health law.

4 (f) "Alcoholic beverage" shall have the same meaning as defined in  
5 subdivision one of section three of the alcoholic beverage control law.

6 (g) "Gambling or sports wagering services" shall include casino  
7 gaming, sports wagering, pari-mutuel wagering, fantasy sports,  
8 lotteries, sweepstakes involving consideration and prize, bookmaking,  
9 wagering pools, betting exchanges, interactive gaming, and any other  
10 activity involving the placement or facilitation of wagers or bets for  
11 money or anything of value.

12 2. On or after the effective date of this section, any billboard  
13 advertisement that promotes tobacco products, alternative nicotine  
14 products, vapor products, alcoholic beverages or gambling or sports  
15 wagering services shall be removed exactly upon the last day of the  
16 advertising contract for such billboard advertisement.

17 3. Upon the removal of such billboard advertisement pursuant to subdi-  
18 vision two of this section, a public service announcement from a state  
19 or city entity about the health harms of the same product that was  
20 removed shall be inserted in its place on such billboard if a new  
21 contracted campaign is not available, until the start date of a new paid  
22 advertising contract with a new vendor.

23 § 2. This act shall take effect immediately.