

STATE OF NEW YORK

5707--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 20, 2025

Introduced by M. of A. SOLAGES, K. BROWN, SAYEGH -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring certain persons attend the electronic cigarette and vaping prevention, awareness and control program

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

1 Section 1. Section 1399-ii-1 of the public health law, as added by
2 section 11 of part EE of chapter 56 of the laws of 2020, is amended to
3 read as follows:

4 § 1399-ii-1. Electronic cigarette and vaping prevention, awareness and
5 control program. 1. The commissioner shall, in consultation and collab-
6 oration with the commissioner of education, establish and develop an
7 electronic cigarette and vaping prevention, control and awareness
8 program within the department. Such program shall be designed to educate
9 students, parents and school personnel about the health risks associated
10 with vapor product use and control measures to reduce the prevalence of
11 vaping, particularly among persons less than twenty-one years of age.
12 Such program shall include, but not be limited to, the creation of age-
13 appropriate instructional tools and materials that may be used by all
14 schools, and marketing and advertising materials to discourage electron-
15 ic cigarette use.

16 2. The department shall contact the parents and/or guardians of any
17 such person enrolled in secondary education who is found to be using or
18 in possession of an electronic cigarette or vapor product while less
19 than twenty-one years of age and inform them of such person's use or
20 possession of an electronic cigarette or vapor product. Such person
21 shall be required to attend the electronic cigarette or vapor product

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

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1 prevention, control and awareness program established under subdivision
2 one of this section. The parent or guardian of such person shall also be
3 required to attend unless school personnel, including but not limited to
4 a school counselor, social worker, or administrator determine in consul-
5 tation with appropriate staff that notification to or attendance by the
6 parent or guardian would pose a risk to the health, safety, or welfare
7 of the student or would otherwise be contrary to the best interests of
8 the student. In such cases, the student may complete the program without
9 parental notification or attendance and the department may provide
10 alternative supportive services as appropriate.

11 3. Attendance at such program may be satisfied through in-person or
12 virtual participation, or through other alternative formats approved by
13 the department. The department shall ensure that sessions are offered at
14 varied times, including evenings or weekends where practicable. No
15 student, parent, or guardian shall be subject to penalty solely for
16 failure to attend where such failure is due to documented hardship,
17 including but not limited to employment obligations, caregiving respon-
18 sibilities, transportation barriers, disability, or other good cause
19 shown. In such cases, the department shall provide a reasonable alterna-
20 tive means of program completion.

21 4. The department shall promulgate guidelines establishing procedures
22 for implementation of this subdivision, including notice requirements,
23 reasonable timeframes for attendance and available alternatives in cases
24 of hardship. No student shall be subject to suspension, expulsion, or
25 referral to law enforcement solely for failure to attend such program.

26 § 2. This act shall take effect on the ninetieth day after it shall
27 have become a law. Effective immediately, the addition, amendment and/or
28 repeal of any rule or regulation necessary for the implementation of
29 this act on its effective date are authorized to be made and completed
30 on or before such effective date.