STATE OF NEW YORK

10400

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 prohibiting billboard advertising of alcohol, tobacco and nicotine products and gambling or sports wagering services

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

Section 1. The general business law is amended by adding a new section 396-aaaa to read as follows:

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

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

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

(c) "Tobacco products" shall have the same meaning as defined in subdivision five of section one thousand three hundred ninety-nine-aa of the public health law.

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

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

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

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

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

2. (a) No person, corporation, or advertising operator shall display or maintain a billboard advertisement that promotes the purchase, use or consumption of tobacco products, alternative nicotine products, vapor products, alcoholic beverages or gambling or sports wagering services.

(b) The provisions of this section shall not apply to public health messaging sponsored by a government entity.

3. The department of health, in conjunction with the state liquor authority and gaming commission, may promulgate rules and regulations necessary to implement the provisions of this section.

§ 2. This act shall take effect immediately.