STATE OF NEW YORK

9495

IN SENATE

March 18, 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 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:

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

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

2. The department shall contact the parents and/or guardians of any such person enrolled in secondary education who is found to be using or in possession of an electronic cigarette or vapor product while less than twenty-one years of age and inform them of such person's use or possession of an electronic cigarette or vapor product. Such person shall be required to attend the electronic cigarette or vapor product prevention, control and awareness program established under subdivision one of this section. The parent or guardian of such person shall also be required to attend unless school personnel, including but not limited to a school counselor, social worker, or administrator determine in consultation with appropriate staff that notification to or attendance by the parent or guardian would pose a risk to the health, safety, or welfare

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

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of the student or would otherwise be contrary to the best interests of the student. In such cases, the student may complete the program without parental notification or attendance and the department may provide alternative supportive services as appropriate.

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

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

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