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1 made available for use in such facility, not less than biennially. The  
2 commissioner may establish a fee for such inspection, which shall not  
3 exceed [~~fifty~~] two hundred dollars per ultraviolet radiation device;  
4 provided, however, that no facility shall be required to pay any such  
5 fee on more than one occasion in any biennial registration period. The  
6 commissioner may appoint and designate, from time to time, persons to  
7 make the inspections authorized by this article.

8 § 4. Paragraph (a) of subdivision 2 of section 905 of the labor law,  
9 as added by chapter 166 of the laws of 1991, is amended to read as  
10 follows:

11 (a) The commissioner of health shall assess a fee of no more than  
12 [~~twenty~~] fifty dollars for each asbestos safety program completion  
13 certificate requested by the training sponsor for each full asbestos  
14 safety program and a fee of no more than [~~twelve~~] thirty dollars for  
15 each asbestos safety program completion certificate requested by the  
16 training sponsor for each refresher training asbestos safety program,  
17 provided, however, that in no event shall the cost of such certificates  
18 be assessed by the sponsor against the participants.

19 § 5. This act shall take effect immediately.

20

## PART EE

21 Section 1. The public health law is amended by adding three new  
22 sections 1399-mm-1, 1399-mm-2, and 1399-mm-3 to read as follows:

23 § 1399-mm-1. Sale of flavored products prohibited. 1. For the purposes  
24 of this section "flavored" shall mean any vapor product intended or  
25 reasonably expected to be used with or for the consumption of nicotine,  
26 with a distinguishable taste or aroma, other than the taste or aroma of  
27 tobacco, imparted either prior to or during consumption of such product  
28 or a component part thereof, including but not limited to tastes or  
29 aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa,  
30 dessert, alcoholic beverage, mint, wintergreen, menthol, herb or spice,  
31 or any concept flavor that imparts a taste or aroma that is distinguish-  
32 able from tobacco flavor but may not relate to any particular known  
33 flavor. A vapor product intended or reasonably expected to be used with  
34 or for the consumption of nicotine, shall be presumed to be flavored if  
35 a product's retailer, manufacturer, or a manufacturer's agent or employ-  
36 ee has made a statement or claim directed to consumers or the public,  
37 whether expressed or implied, that such product or device has a distin-  
38 guishable taste or aroma other than the taste or aroma of tobacco.

39 2. No vapor products dealer, or any agent or employee of a vapor  
40 products dealer, shall sell or offer for sale at retail in the state any  
41 flavored vapor product intended or reasonably expected to be used with  
42 or for the consumption of nicotine.

43 3. Any vapor products dealer, or any agent or employee of a vapor  
44 products dealer, who violates the provisions of this section shall be  
45 subject to a civil penalty of not more than one hundred dollars for each  
46 individual package of flavored vapor product intended or reasonably  
47 expected to be used with or for the consumption of nicotine sold or  
48 offered for sale, provided, however, that with respect to a manufactur-  
49 er, it shall be an affirmative defense to a finding of violation pursu-  
50 ant to this section that such sale or offer of sale, as applicable,  
51 occurred without the knowledge, consent, authorization, or involvement,  
52 direct or indirect, of such manufacturer. Violations of this section  
53 shall be enforced pursuant to section thirteen hundred ninety-nine-ff of

1 this article, except that any person may submit a complaint to an  
2 enforcement officer that a violation of this section has occurred.

3 4. The provisions of this section shall not apply to any vapor  
4 products dealer, or any agent or employee of a vapor products dealer,  
5 who sells or offers for sale, or who possess with intent to sell or  
6 offer for sale, any flavored vapor product intended or reasonably  
7 expected to be used with or for the consumption of nicotine that the  
8 U.S. Food and Drug Administration has authorized to legally market as  
9 defined under 21 U.S.C. § 387j and that has received a premarket review  
10 approval order under 21 U.S.C. § 387j(c) et seq.

11 § 1399-mm-2. Sale in pharmacies. 1. No tobacco product, herbal ciga-  
12 rette, or vapor product intended or reasonably expected to be used with  
13 or for the consumption of nicotine, shall be sold in a pharmacy or in a  
14 retail establishment that contains a pharmacy operated as a department  
15 as defined by paragraph f of subdivision two of section sixty-eight  
16 hundred eight of the education law. Provided, however, that such prohi-  
17 bition on the sale of tobacco products, herbal cigarettes, or vapor  
18 products intended or reasonably expected to be used with or for the  
19 consumption of nicotine, shall not apply to any other business that owns  
20 or leases premises within any building or other facility that also  
21 contains a pharmacy or a retail establishment that contains a pharmacy  
22 operated as a department as defined by paragraph f of subdivision two of  
23 section sixty-eight hundred eight of the education law.

24 2. The commissioner shall have sole jurisdiction to enforce the  
25 provisions of this section. The commissioner shall have the power to  
26 assess penalties in accordance with section twelve of this chapter and  
27 pursuant to a hearing conducted in accordance with section twelve-a of  
28 this chapter. Nothing in this section shall be construed to prohibit the  
29 commissioner from commencing a proceeding for injunctive relief to  
30 compel compliance with this section.

31 § 1399-mm-3. Carrier oils. 1. For the purposes of this section "carri-  
32 er oils" shall mean any ingredient of a vapor product intended to  
33 control the consistency or other physical characteristics of such vapor  
34 product, to control the consistency or other physical characteristics of  
35 vapor, or to facilitate the production of vapor when such vapor product  
36 is used in an electronic cigarette. "Carrier oils" shall not include any  
37 product approved by the United States food and drug administration as a  
38 drug or medical device or manufactured and dispensed pursuant to title  
39 five-A of article thirty-three of this chapter.

40 2. The commissioner is authorized to promulgate rules and regulations  
41 governing the sale and distribution of carrier oils that are suspected  
42 of causing acute illness and have been identified as a chemical of  
43 concern by the United States centers for disease control and prevention.  
44 Such regulations may, to the extent deemed by the commissioner as neces-  
45 sary for the protection of public health, prohibit or restrict the sell-  
46 ing, offering for sale, possessing with intent to sell, or distributing  
47 of carrier oils.

48 3. The provisions of this section shall not apply where preempted by  
49 federal law. Furthermore, the provisions of this section shall be  
50 severable, and if any phrase, clause, sentence, or provision is declared  
51 to be invalid, or is preempted by federal law or regulation, the validi-  
52 ty of the remainder of this section shall not be affected thereby. If  
53 any provision of this section is declared to be inapplicable to any  
54 specific category, type, or kind of carrier oil, the provisions of this  
55 section shall nonetheless continue to apply with respect to all other  
56 carrier oils.

1 § 2. Section 1399-aa of the public health law is amended by adding  
2 five new subdivisions 14, 15, 16, 17, and 18 to read as follows:

3 14. "Price reduction instrument" means any coupon, voucher, rebate,  
4 card, paper, note, form, statement, ticket, image, or other issue,  
5 whether in paper, digital, or any other form, used for commercial  
6 purposes to receive an article, product, service, or accommodation with-  
7 out charge or at a discounted price.

8 15. "Listed or non-discounted price" means the price listed for ciga-  
9 rettes, tobacco products, or vapor products intended or reasonably  
10 expected to be used with or for the consumption of nicotine, on their  
11 packages or any related shelving, posting, advertising or display at the  
12 location where the cigarettes, tobacco products, or vapor products  
13 intended or reasonably expected to be used with or for the consumption  
14 of nicotine, are sold or offered for sale, including all applicable  
15 taxes.

16 16. "Retail dealer" means a person licensed by the commissioner of  
17 taxation and finance to sell cigarettes, tobacco products, or vapor  
18 products in this state.

19 17. "Vapor products" means any noncombustible liquid or gel, regard-  
20 less of the presence of nicotine therein, that is manufactured into a  
21 finished product for use in an electronic cigarette, including any  
22 device that contains such noncombustible liquid or gel. "Vapor product"  
23 shall not include any device, or any component thereof, that does not  
24 contain such noncombustible liquid or gel, or any product approved by  
25 the United States food and drug administration as a drug or medical  
26 device, or manufactured and dispensed pursuant to title five-A of arti-  
27 cle thirty-three of this chapter.

28 18. "Vapor products dealer" means a person licensed by the commission-  
29 er of taxation and finance to sell vapor products in this state.

30 § 3. Section 1399-11 of the public health law, as added by chapter 262  
31 of the laws of 2000, subdivisions 1 and 5 as amended and subdivision 6  
32 as added by chapter 342 of the laws of 2013, is amended to read as  
33 follows:

34 § 1399-11. Unlawful shipment or transport of cigarettes and vapor  
35 products. 1. It shall be unlawful for any person engaged in the busi-  
36 ness of selling cigarettes to ship or cause to be shipped any cigarettes  
37 to any person in this state who is not: (a) a person licensed as a ciga-  
38 rette tax agent or wholesale dealer under article twenty of the tax law  
39 or registered retail dealer under section four hundred eighty-a of the  
40 tax law; (b) an export warehouse proprietor pursuant to chapter 52 of  
41 the internal revenue code or an operator of a customs bonded warehouse  
42 pursuant to section 1311 or 1555 of title 19 of the United States Code;  
43 or (c) a person who is an officer, employee or agent of the United  
44 States government, this state or a department, agency, instrumentality  
45 or political subdivision of the United States or this state and presents  
46 himself or herself as such, when such person is acting in accordance  
47 with his or her official duties. For purposes of this subdivision, a  
48 person is a licensed or registered agent or dealer described in para-  
49 graph (a) of this subdivision if his or her name appears on a list of  
50 licensed or registered agents or dealers published by the department of  
51 taxation and finance, or if such person is licensed or registered as an  
52 agent or dealer under article twenty of the tax law.

53 1-a. It shall be unlawful for any person engaged in the business of  
54 selling vapor products to ship or cause to be shipped any vapor products  
55 intended or reasonably expected to be used with or for the consumption  
56 of nicotine to any person in this state who is not: (a) a person that

1 receives a certificate of registration as a vapor products dealer under  
2 article twenty eight-C of the tax law; (b) an export warehouse proprie-  
3 tor pursuant to chapter 52 of the internal revenue code or an operator  
4 of a customs bonded warehouse pursuant to section 1311 or 1555 of title  
5 19 of the United States Code; or (c) a person who is an officer, employ-  
6 ee or agent of the United States government, this state or a department,  
7 agency, instrumentality or political subdivision of the United States or  
8 this state and presents himself or herself as such, when such person is  
9 acting in accordance with his or her official duties. For purposes of  
10 this subdivision, a person is a licensed or registered agent or dealer  
11 described in paragraph (a) of this subdivision if his or her name  
12 appears on a list of licensed or registered agents or vapor product  
13 dealers published by the department of taxation and finance, or if such  
14 person is licensed or registered as an agent or dealer under article  
15 twenty eight-C of the tax law.

16 2. It shall be unlawful for any common or contract carrier to know-  
17 ly transport cigarettes to any person in this state reasonably believed  
18 by such carrier to be other than a person described in paragraph (a),  
19 (b) or (c) of subdivision one of this section. For purposes of the  
20 preceding sentence, if cigarettes are transported to a home or resi-  
21 dence, it shall be presumed that the common or contract carrier knew  
22 that such person was not a person described in paragraph (a), (b) or (c)  
23 of subdivision one of this section. It shall be unlawful for any other  
24 person to knowingly transport cigarettes to any person in this state,  
25 other than to a person described in paragraph (a), (b) or (c) of subdivi-  
26 sion one of this section. Nothing in this subdivision shall be  
27 construed to prohibit a person other than a common or contract carrier  
28 from transporting not more than eight hundred cigarettes at any one time  
29 to any person in this state. It shall be unlawful for any common or  
30 contract carrier to knowingly transport vapor products intended or  
31 reasonably expected to be used with or for the consumption of nicotine  
32 to any person in this state reasonably believed by such carrier to be  
33 other than a person described in paragraph (a), (b) or (c) of subdivi-  
34 sion one-a of this section. For purposes of the preceding sentence, if  
35 vapor products intended or reasonably expected to be used with or for  
36 the consumption of nicotine are transported to a home or residence, it  
37 shall be presumed that the common or contract carrier knew that such  
38 person was not a person described in paragraph (a), (b) or (c) of subdivi-  
39 sion one-a of this section. It shall be unlawful for any other person  
40 to knowingly transport vapor products intended or reasonably expected to  
41 be used with or for the consumption of nicotine to any person in this  
42 state, other than to a person described in paragraph (a), (b) or (c) of  
43 subdivision one of this section. Nothing in this subdivision shall be  
44 construed to prohibit a person other than a common or contract carrier  
45 from transporting vapor products, provided that the amount of vapor  
46 products intended or reasonably expected to be used with or for the  
47 consumption of nicotine shall not exceed the lesser of 500 milliliters,  
48 or a total nicotine content of 3 grams at any one time to any person in  
49 this state.

50 3. When a person engaged in the business of selling cigarettes ships  
51 or causes to be shipped any cigarettes to any person in this state,  
52 other than in the cigarette manufacturer's original container or wrap-  
53 ping, the container or wrapping must be plainly and visibly marked with  
54 the word "cigarettes". When a person engaged in the business of selling  
55 vapor products ships or causes to be shipped any vapor products intended  
56 or reasonably expected to be used with or for the consumption of nico-

1 tine to any person in this state, other than in the vapor products  
2 manufacturer's original container or wrapping, the container or wrapping  
3 must be plainly and visibly marked with the words "vapor products".

4 4. Whenever a police officer designated in section 1.20 of the crimi-  
5 nal procedure law or a peace officer designated in subdivision four of  
6 section 2.10 of such law, acting pursuant to his or her special duties,  
7 shall discover any cigarettes or vapor products intended or reasonably  
8 expected to be used with or for the consumption of nicotine which have  
9 been or which are being shipped or transported in violation of this  
10 section, such person is hereby empowered and authorized to seize and  
11 take possession of such cigarettes or vapor products intended or reason-  
12 ably expected to be used with or for the consumption of nicotine, and  
13 such cigarettes or vapor products intended or reasonably expected to be  
14 used with or for the consumption of nicotine shall be subject to a  
15 forfeiture action pursuant to the procedures provided for in article  
16 thirteen-A of the civil practice law and rules, as if such article  
17 specifically provided for forfeiture of cigarettes or vapor products  
18 intended or reasonably expected to be used with or for the consumption  
19 of nicotine seized pursuant to this section as a pre-conviction forfei-  
20 ture crime.

21 5. Any person who violates the provisions of subdivision one, one-a,  
22 or two of this section shall be guilty of a class A misdemeanor and for  
23 a second or subsequent violation shall be guilty of a class E felony. In  
24 addition to the criminal penalty, any person who violates the provisions  
25 of subdivision one, one-a, two or three of this section shall be subject  
26 to a civil penalty not to exceed the greater of (a) five thousand  
27 dollars for each such violation; ~~or~~ (b) one hundred dollars for each  
28 pack of cigarettes shipped, caused to be shipped or transported in  
29 violation of such subdivision; or (c) one hundred dollars for each vapor  
30 product intended or reasonably expected to be used with or for the  
31 consumption of nicotine shipped, caused to be shipped or transported in  
32 violation of such subdivision.

33 6. The attorney general may bring an action to recover the civil  
34 penalties provided by subdivision five of this section and for such  
35 other relief as may be deemed necessary. In addition, the corporation  
36 counsel of any political subdivision that imposes a tax on cigarettes or  
37 vapor products intended or reasonably expected to used with or for the  
38 consumption of nicotine may bring an action to recover the civil pen-  
39 ties provided by subdivision five of this section and for such other  
40 relief as may be deemed necessary with respect to any cigarettes or  
41 vapor products intended or reasonably expected to be used with or for  
42 the consumption of nicotine shipped, caused to be shipped or transported  
43 in violation of this section to any person located within such political  
44 subdivision. All civil penalties obtained in any such action shall be  
45 retained by the state or political subdivision bringing such action,  
46 provided that no person shall be required to pay civil penalties to both  
47 the state and a political subdivision with respect to the same violation  
48 of this section.

49 § 4. Section 1399-bb of the public health law, as amended by chapter  
50 508 of the laws of 2000, the section heading as amended by chapter 4 of  
51 the laws of 2018, subdivision 2 as amended by chapter 13 of the laws of  
52 2003, and paragraphs (b), (c), and (f) of subdivision 2 and subdivisions  
53 4 and 5 as amended by chapter 100 of the laws of 2019, is amended to  
54 read as follows:

55 § 1399-bb. Distribution of tobacco products, [~~electronic cigarettes~~]  
56 vapor products, or herbal cigarettes without charge. 1. No [~~person~~]

1 retail dealer, or any agent or employee of a retail dealer engaged in  
2 the business of selling or otherwise distributing tobacco products,  
3 vapor products intended or reasonably expected to be used with or for  
4 the consumption of nicotine, or herbal cigarettes for commercial  
5 purposes, or any agent or employee of such [~~person~~] retail dealer, or  
6 any agent or employee of a retail dealer, shall knowingly, in further-  
7 ance of such business:

8 (a) distribute without charge any tobacco products, vapor products  
9 intended or reasonably expected to be used with or for the consumption  
10 of nicotine, or herbal cigarettes to any individual, provided that the  
11 distribution of a package containing tobacco products, vapor products  
12 intended or reasonably expected to be used with or for the consumption  
13 of nicotine, or herbal cigarettes in violation of this subdivision shall  
14 constitute a single violation without regard to the number of items in  
15 the package; or

16 (b) distribute [~~coupons~~] price reduction instruments which are redeem-  
17 able for tobacco products, vapor products intended or reasonably  
18 expected to be used with or for the consumption of nicotine, or herbal  
19 cigarettes to any individual, provided that this subdivision shall not  
20 apply to coupons contained in newspapers, magazines or other types of  
21 publications, coupons obtained through the purchase of tobacco products,  
22 vapor products intended or reasonably expected to be used with or for  
23 the consumption of nicotine, or herbal cigarettes or obtained at  
24 locations which sell tobacco products, vapor products intended or  
25 reasonably expected to be used with or for the consumption of nicotine,  
26 or herbal cigarettes provided that such distribution is confined to a  
27 designated area or to coupons sent through the mail.

28 1-a. No retail dealer engaged in the business of selling or otherwise  
29 distributing tobacco products, herbal cigarettes, or vapor products  
30 intended or reasonably expected to be used with or for the consumption  
31 of nicotine for commercial purposes, or any agent or employee of such  
32 retail dealer, shall knowingly, in furtherance of such business:

33 (a) honor or accept a price reduction instrument in any transaction  
34 related to the sale of tobacco products, herbal cigarettes, or vapor  
35 products intended or reasonably expected to be used with or for the  
36 consumption of nicotine to a consumer;

37 (b) sell or offer for sale any tobacco products, herbal cigarettes, or  
38 vapor products intended or reasonably expected to be used with or for  
39 the consumption of nicotine to a consumer through any multi-package  
40 discount or otherwise provide to a consumer any tobacco products, herbal  
41 cigarettes, or vapor products intended or reasonably expected to be used  
42 with or for the consumption of nicotine for less than the listed price  
43 or non-discounted price in exchange for the purchase of any other tobac-  
44 co products, herbal cigarettes, or vapor products intended or reasonably  
45 expected to be used with or for the consumption of nicotine by such  
46 consumer;

47 (c) sell, offer for sale, or otherwise provide any product other than  
48 a tobacco product, herbal cigarette, or vapor product intended or  
49 reasonably expected to be used with or for the consumption of nicotine  
50 to a consumer for less than the listed price or non-discounted price in  
51 exchange for the purchase of a tobacco product, herbal cigarette, or  
52 vapor product intended or reasonably expected to be used with or for the  
53 consumption of nicotine by such consumer; or

54 (d) sell, offer for sale, or otherwise provide a tobacco product,  
55 herbal cigarette, or vapor product intended or reasonably expected to be

1 used with or for the consumption of nicotine to a consumer for less than  
2 the listed price or non-discounted price.

3 2. The prohibitions contained in subdivision one of this section shall  
4 not apply to the following locations:

5 (a) private social functions when seating arrangements are under the  
6 control of the sponsor of the function and not the owner, operator,  
7 manager or person in charge of such indoor area;

8 (b) conventions and trade shows; provided that the distribution is  
9 confined to designated areas generally accessible only to persons over  
10 the age of twenty-one;

11 (c) events sponsored by tobacco, vapor product intended or reasonably  
12 expected to be used with or for the consumption of nicotine, or herbal  
13 cigarette manufacturers provided that the distribution is confined to  
14 designated areas generally accessible only to persons over the age of  
15 twenty-one;

16 (d) bars as defined in subdivision one of section thirteen hundred  
17 ninety-nine-n of this chapter;

18 (e) tobacco businesses as defined in subdivision eight of section  
19 thirteen hundred ninety-nine-aa of this article;

20 (f) factories as defined in subdivision nine of section thirteen  
21 hundred ninety-nine-aa of this article and construction sites; provided  
22 that the distribution is confined to designated areas generally accessi-  
23 ble only to persons over the age of twenty-one.

24 3. No ~~[person]~~ retail dealer shall distribute tobacco products, vapor  
25 products intended or reasonably expected to be used with or for the  
26 consumption of nicotine, or herbal cigarettes at the locations set forth  
27 in paragraphs (b), (c) and (f) of subdivision two of this section unless  
28 such person gives five days written notice to the enforcement officer.

29 4. No ~~[person]~~ retail dealer engaged in the business of selling or  
30 otherwise distributing electronic cigarettes or vapor products intended  
31 or reasonably expected to be used with or for the consumption of nico-  
32 tine for commercial purposes, or any agent or employee of such person,  
33 shall knowingly, in furtherance of such business, distribute without  
34 charge any electronic cigarettes to any individual under twenty-one  
35 years of age.

36 5. The distribution of tobacco products, electronic cigarettes, vapor  
37 products intended or reasonably expected to be used with or for the  
38 consumption of nicotine, or herbal cigarettes pursuant to subdivision  
39 two of this section or the distribution without charge of electronic  
40 cigarettes, or vapor products intended or reasonably expected to be used  
41 with or for the consumption of nicotine, shall be made only to an indi-  
42 vidual who demonstrates, through (a) a driver's license or ~~[other photo-~~  
43 ~~graphic]~~ non-driver identification card issued by ~~[a government entity~~  
44 ~~or educational institution]~~ the commissioner of motor vehicles, the  
45 federal government, any United States territory, commonwealth, or  
46 possession, the District of Columbia, a state government within the  
47 United States, or a provincial government of the dominion of Canada, (b)  
48 a valid passport issued by the United States government or the govern-  
49 ment of any other country, or (c) an identification card issued by the  
50 armed forces of the United States, indicating that the individual is at  
51 least twenty-one years of age. Such identification need not be required  
52 of any individual who reasonably appears to be at least twenty-five  
53 years of age; provided, however, that such appearance shall not consti-  
54 tute a defense in any proceeding alleging the sale of a tobacco product,  
55 electronic cigarette, vapor product intended or reasonably expected to  
56 be used with or for the consumption of nicotine, or herbal cigarette or

1 the distribution without charge of electronic cigarettes, or vapor  
2 products intended or reasonably expected to be used with or for the  
3 consumption of nicotine to an individual.

4 § 5. The public health law is amended by adding a new article 17 to  
5 read as follows:

6 ARTICLE 17

7 INGREDIENT DISCLOSURES FOR  
8 VAPOR PRODUCTS AND E-CIGARETTES

9 Section 1700. Definitions.

10 1701. Disclosure.

11 1702. Penalties.

12 § 1700. Definitions. As used in this article, the following terms  
13 shall have the following meanings:

14 1. "Vapor products" shall mean any vapor product, as defined by  
15 section thirteen hundred ninety-nine-aa of this chapter, intended or  
16 reasonably expected to be used with or for the consumption of nicotine.

17 2. "Electronic cigarette" or "e-cigarette" shall have the same meaning  
18 as defined by section thirteen hundred ninety-nine-aa of this chapter.

19 3. "Ingredient" shall mean all of the following:

20 (a) any intentional additive present in any quantity in a vapor prod-  
21 uct;

22 (b) a byproduct or contaminant, present in a vapor product in any  
23 quantity equal to or greater than one-half of one percent of the content  
24 of such product by weight, or other amount determined by the commission-  
25 er;

26 (c) a byproduct present in a vapor product in any quantity less than  
27 one-half of one percent of the content of such product by weight,  
28 provided such element or compound has been published as a chemical of  
29 concern on one or more lists identified by the commissioner; and

30 (d) a contaminant present in a vapor product in a quantity determined  
31 by the commissioner and less than one-half of one percent of the content  
32 of such product by weight, provided such element or compound has been  
33 published as a chemical of concern on one or more lists identified by  
34 the commissioner.

35 4. "Intentionally added ingredient" shall mean any element or compound  
36 that a manufacturer has intentionally added to a vapor product at any  
37 point in such product's supply chain, or at any point in the supply  
38 chain of any raw material or ingredient used to manufacture such prod-  
39 uct.

40 5. "Byproduct" shall mean any element or compound in the finished  
41 vapor product, or in the vapor produced during consumption of a vapor  
42 product, which: (a) was created or formed during the manufacturing  
43 process as an intentional or unintentional consequence of such manufac-  
44 turing process at any point in such product's supply chain, or at any  
45 point in the supply chain of any raw material or ingredient used to  
46 manufacture such product; or (b) is created or formed as an intentional  
47 or unintentional consequence of the use of an e-cigarette or consumption  
48 of a vapor product. "Byproduct" shall include, but is not limited to,  
49 an unreacted raw material, a breakdown product of an intentionally added  
50 ingredient, a breakdown product of any component part of an e-cigarette,  
51 or a derivative of the manufacturing process.

52 6. "Contaminant" shall mean any element or compound made present in a  
53 vapor product as an unintentional consequence of manufacturing. Contam-  
54 inants include, but are not limited to, elements or compounds present in  
55 the environment which were introduced into a product, a raw material, or  
56 a product ingredient as a result of the use of an environmental medium,

1 such as naturally occurring water, or other materials used in the manu-  
2 facturing process at any point in a product's supply chain, or at any  
3 point in the supply chain of any raw material or ingredient used to  
4 manufacture such product.

5 7. "Manufacturer" shall mean any person, firm, association, partner-  
6 ship, limited liability company, or corporation which produces,  
7 prepares, formulates, or compounds a vapor product or e-cigarette, or  
8 whose brand name is affixed to such product. In the case of a vapor  
9 product or e-cigarette imported into the United States, "manufacturer"  
10 shall mean the importer or first domestic distributor of such product if  
11 the entity that manufactures such product or whose brand name is affixed  
12 to such product does not have a presence in the United States.

13 § 1701. Disclosure. 1. Manufacturers of vapor products or e-cigarettes  
14 distributed, sold, or offered for sale in this state, whether at retail  
15 or wholesale, shall furnish to the commissioner for public record and  
16 post on such manufacturer's website, in a manner prescribed by the  
17 commissioner that is readily accessible to the public and machine read-  
18 able, information regarding such products pursuant to rules or regu-  
19 lations which shall be promulgated by the commissioner.

20 (a) For each vapor product, the information posted pursuant to this  
21 subdivision shall include, but shall not be limited to:

22 (i) a list naming each ingredient of such vapor product in descending  
23 order of predominance by weight in such product, except that ingredients  
24 present at a weight below one percent may be listed following other  
25 ingredients without respect to the order of predominance by weight;

26 (ii) the nature and extent of investigations and research performed by  
27 or for the manufacturer concerning the effects on human health of such  
28 product or its ingredients;

29 (iii) where applicable, a statement disclosing that an ingredient of  
30 such product is published as a chemical of concern on one or more lists  
31 identified by the commissioner; and

32 (iv) for each ingredient published as a chemical of concern on one or  
33 more lists identified by the commissioner, an evaluation of the avail-  
34 ability of potential alternatives and potential hazards posed by such  
35 alternatives.

36 (b) For each e-cigarette the information posted pursuant to this  
37 subdivision shall include, but shall not be limited to:

38 (i) a list naming any toxic metal, including but not limited to lead,  
39 manganese, nickel, chromium, or zinc, as a constituent of any heating  
40 element included in such e-cigarette;

41 (ii) a list naming each byproduct that may be introduced into vapor  
42 produced during the normal use of such e-cigarette;

43 (iii) the nature and extent of investigations and research performed  
44 by or for the manufacturer concerning the effects on human health of  
45 such product or such ingredients;

46 (iv) where applicable, a statement disclosing that an ingredient is  
47 published as a chemical of concern on one or more lists identified by  
48 the commissioner; and

49 (v) for each constituent of any heating element identified as a toxic  
50 metal and ingredient published as a chemical of concern on one or more  
51 lists identified by the commissioner, an evaluation of the availability  
52 of potential alternatives and potential hazards posed by such alterna-  
53 tives.

54 2. Manufacturers shall furnish the information required to be posted  
55 pursuant to subdivision one of this section on or before January first,  
56 two thousand twenty-one, and every two years thereafter. In addition,

1 such manufacturers shall furnish such information prior to the sale of  
2 any new vapor product or e-cigarette, when the formulation of a current-  
3 ly disclosed product is changed such that the predominance of the ingre-  
4 redients in such product is changed, when any list of chemicals of concern  
5 identified by the commissioner pursuant to this article is changed to  
6 include an ingredient present in a vapor product or e-cigarette subject  
7 to this article, or at such other times as may be required by the  
8 commissioner.

9 3. The information required to be posted pursuant to subdivision one  
10 of this section shall be made available to the public by the commission-  
11 er and manufacturers, in accordance with this section, with the excep-  
12 tion of those portions which a manufacturer determines, subject to the  
13 approval of the commissioner, are related to a proprietary process the  
14 disclosure of which would compromise such manufacturer's competitive  
15 position. The commissioner shall not approve any exceptions under this  
16 subdivision with respect to any ingredient published as a chemical of  
17 concern on one or more lists identified by the commissioner.

18 § 1702. Penalties. Notwithstanding any other provision of this chap-  
19 ter, any manufacturer who violates any of the provisions of, or who  
20 fails to perform any duty imposed by, this article or any rule or regu-  
21 lation promulgated thereunder, shall be liable, in the case of a first  
22 violation, for a civil penalty not to exceed five thousand dollars. In  
23 the case of a second or any subsequent violation, the liability shall be  
24 for a civil penalty not to exceed ten thousand dollars for each such  
25 violation.

26 § 6. Subdivision 2 and paragraphs (e) and (f) of subdivision 3 of  
27 section 1399-ee of the public health law, as amended by chapter 162 of  
28 the laws of 2002, are amended to read as follows:

29 2. If the enforcement officer determines after a hearing that a  
30 violation of this article has occurred, he or she shall impose a civil  
31 penalty of a minimum of three hundred dollars, but not to exceed one  
32 thousand ~~five hundred~~ one thousand dollars, and a minimum of  
33 [~~five hundred~~] one thousand dollars, but not to exceed [~~one~~] two thou-  
34 sand five hundred dollars for each subsequent violation, unless a  
35 different penalty is otherwise provided in this article. The enforcement  
36 officer shall advise the retail dealer that upon the accumulation of  
37 three or more points pursuant to this section the department of taxation  
38 and finance shall suspend the dealer's registration. If the enforcement  
39 officer determines after a hearing that a retail dealer was selling  
40 tobacco products while their registration was suspended or permanently  
41 revoked pursuant to subdivision three or four of this section, he or she  
42 shall impose a civil penalty of twenty-five hundred dollars.

43 (e) Suspension. If the department determines that a retail dealer has  
44 accumulated three points or more, the department shall direct the  
45 commissioner of taxation and finance to suspend such dealer's registra-  
46 tion for [~~six months~~] one year. The three points serving as the basis  
47 for a suspension shall be erased upon the completion of the [~~six month~~]  
48 one year penalty.

49 (f) Surcharge. A two hundred fifty dollar surcharge to be assessed for  
50 every violation will be made available to enforcement officers and shall  
51 be used solely for compliance checks to be conducted to determine  
52 compliance with this section.

53 § 7. Paragraph 1 of subdivision h of section 1607 of the tax law, as  
54 amended by chapter 162 of the laws of 2002, is amended to read as  
55 follows:

1 1. A license shall be suspended for a period of [~~six months~~] one year  
2 upon notification to the division by the commissioner of health of a  
3 lottery sales agent's accumulation of three or more points pursuant to  
4 subdivision three of section thirteen hundred ninety-nine-ee of the  
5 public health law.

6 § 8. Section 1399-hh of the public health law, as added by chapter 433  
7 of the laws of 1997, is amended to read as follows:

8 § 1399-hh. Tobacco and vapor product enforcement. The commissioner  
9 shall develop, plan and implement a comprehensive program to reduce the  
10 prevalence of tobacco use, and vapor product, intended or reasonably  
11 expected to be used with or for the consumption of nicotine, use partic-  
12 ularly among persons less than [~~eighteen~~] twenty-one years of age. This  
13 program shall include, but not be limited to, support for enforcement of  
14 this article [~~thirteen-F of this chapter~~].

15 1. An enforcement officer, as defined in section thirteen hundred  
16 ninety-nine-t of this chapter, may annually, on such dates as shall be  
17 fixed by the commissioner, submit an application for such monies as are  
18 made available for such purpose. Such application shall be in such form  
19 as prescribed by the commissioner and shall include, but not be limited  
20 to, plans regarding random spot checks, including the number and types  
21 of compliance checks that will be conducted, and other activities to  
22 determine compliance with this article. Each such plan shall include an  
23 agreement to report to the commissioner: the names and addresses of  
24 tobacco retailers and vendors and vapor products dealers determined to  
25 be unlicensed, if any; the number of complaints filed against licensed  
26 tobacco retail outlets and vapor products dealers; and the names of  
27 tobacco retailers and vendors and vapor products dealers who have paid  
28 fines, or have been otherwise penalized, due to enforcement actions.

29 2. The commissioner shall distribute such monies as are made avail-  
30 able for such purpose to enforcement officers and, in so doing, consider  
31 the number of licensed vapor products dealers and retail locations  
32 registered to sell tobacco products within the jurisdiction of the  
33 enforcement officer and the level of proposed activities.

34 3. Monies made available to enforcement officers pursuant to this  
35 section shall only be used for local tobacco and vapor product, intended  
36 or reasonably expected to be used with or for the consumption of nico-  
37 tine, enforcement activities approved by the commissioner.

38 § 9. Section 1399-jj of the public health law, as amended by chapter 1  
39 of the laws of 1999, is amended to read as follows:

40 § 1399-jj. Evaluation requirements. 1. The commissioner shall evaluate  
41 the effectiveness of the efforts by state and local governments to  
42 reduce the use of tobacco products and vapor products, intended or  
43 reasonably expected to be used with or for the consumption of nicotine,  
44 among minors and adults. The principal measurements of effectiveness  
45 shall include negative attitudes toward tobacco and vapor products,  
46 intended or reasonably expected to be used with or for the consumption  
47 of nicotine, use and reduction of tobacco and vapor products, intended  
48 or reasonably expected to be used with or for the consumption of nico-  
49 tine, use among the general population, and given target populations.

50 2. The commissioner shall ensure that, to the extent practicable, the  
51 most current research findings regarding mechanisms to reduce and change  
52 attitudes toward tobacco and vapor products, intended or reasonably  
53 expected to be used with or for the consumption of nicotine, use are  
54 used in tobacco and vapor product, intended or reasonably expected to be  
55 used with or for the consumption of nicotine, education programs admin-  
56 istered by the department.

1 3. To diminish tobacco and vapor product, intended or reasonably  
2 expected to be used with or for the consumption of nicotine, use among  
3 minors and adults, the commissioner shall ensure that, to the extent  
4 practicable, the following is achieved:

5 The department shall conduct an independent evaluation of the state-  
6 wide tobacco use prevention and control program under section thirteen  
7 hundred ninety-nine-ii of this article. The purpose of this evaluation  
8 is to direct the most efficient allocation of state resources devoted to  
9 tobacco and vapor product, intended or reasonably expected to be used  
10 with or for the consumption of nicotine, education and cessation to  
11 accomplish the maximum prevention and reduction of tobacco and vapor  
12 product, intended or reasonably expected to be used with or for the  
13 consumption of nicotine, use among minors and adults. Such evaluation  
14 shall be provided to the governor, the majority leader of the senate and  
15 the speaker of the assembly on or before September first, two thousand  
16 one, and annually on or before such date thereafter. The comprehensive  
17 evaluation design shall be guided by the following:

18 (a) sound evaluation principles including, to the extent feasible,  
19 elements of controlled experimental methods;

20 (b) an evaluation of the comparative effectiveness of individual  
21 program designs which shall be used in funding decisions and program  
22 modifications; and

23 (c) an evaluation of other programs identified by state agencies,  
24 local lead agencies, and federal agencies.

25 § 10. Section 1399-kk of the public health law, as added by chapter  
26 433 of the laws of 1997, is amended to read as follows:

27 § 1399-kk. Annual tobacco and vapor product enforcement reporting.  
28 The commissioner shall submit to the governor and the legislature an  
29 interim tobacco control report and annual tobacco control reports which  
30 shall describe the extent of the use of tobacco products and vapor  
31 products, intended or reasonably expected to be used with or for the  
32 consumption of nicotine, by [~~minors~~] those under twenty-one years of age  
33 in the state and document the progress state and local governments have  
34 made in reducing such use among [~~minors~~] those under twenty-one years of  
35 age.

36 1. The interim tobacco control report. The commissioner shall submit  
37 to the governor and the legislature an interim tobacco control report on  
38 or before September first, nineteen hundred ninety-eight. Such interim  
39 report shall, to the extent practicable, include the following informa-  
40 tion on a county by county basis:

41 (a) number of licensed and registered tobacco retailers and vendors;

42 (b) the names and addresses of retailers and vendors who have paid  
43 fines, or have been otherwise penalized, due to enforcement actions;

44 (c) the number of complaints filed against licensed and registered  
45 tobacco retailers;

46 (d) the number of fires caused or believed to be caused by tobacco  
47 products and deaths and injuries resulting therefrom;

48 (e) the number and type of compliance checks conducted; and

49 (f) such other information as the commissioner deems appropriate.

50 2. The commissioner shall submit to the governor and the legislature  
51 an annual tobacco and vapor products, intended or reasonably expected to  
52 be used with or for the consumption of nicotine, control report which  
53 shall describe the extent of the use of tobacco products and vapor  
54 products, intended or reasonably expected to be used with or for the  
55 consumption of nicotine, by [~~minors~~] those under twenty-one years of age  
56 in the state and document the progress state and local governments have

1 made in reducing such use among [~~minors~~] those under twenty-one years of  
2 age. The annual report shall be submitted to the governor and the  
3 legislature on or before March thirty-first of each year beginning on  
4 March thirty-first, nineteen hundred ninety-nine. The annual report  
5 shall, to the extent practicable, include the following information on a  
6 county by county basis:

7 (a) number of licensed and registered tobacco retailers and vendors  
8 and licensed vapor products dealers;

9 (b) the names and addresses of retailers and vendors who have paid  
10 fines, or have been otherwise penalized, due to enforcement actions;

11 (c) the number of complaints filed against licensed and registered  
12 tobacco retailers and licensed vapor products dealers;

13 (d) the number of fires caused or believed to be caused by tobacco  
14 products and vapor products, intended or reasonably expected to be used  
15 with or for the consumption of nicotine, and deaths and injuries result-  
16 ing therefrom;

17 (e) the number and type of compliance checks conducted;

18 (f) a survey of attitudes and behaviors regarding tobacco use among  
19 [~~minors~~] those under twenty-one years of age. The initial such survey  
20 shall be deemed to constitute the baseline survey;

21 (g) the number of tobacco and vapor product, intended or reasonably  
22 expected to be used with or for the consumption of nicotine, users and  
23 estimated trends in tobacco and vapor product, intended or reasonably  
24 expected to be used with or for the consumption of nicotine, use among  
25 [~~minors~~] those under twenty-one years of age;

26 (h) annual tobacco and vapor product, intended or reasonably expected  
27 to be used with or for the consumption of nicotine, sales;

28 (i) tax revenue collected from the sale of tobacco products and vapor  
29 products, intended or reasonably expected to be used with or for the  
30 consumption of nicotine;

31 (j) the number of licensed tobacco retail outlets and licensed vapor  
32 products dealers;

33 (k) the number of cigarette vending machines;

34 (l) the number and type of compliance checks;

35 (m) the names of entities that have paid fines due to enforcement  
36 actions; and

37 (n) the number of complaints filed against licensed tobacco retail  
38 outlets and licensed vapor products dealers.

39 The annual tobacco and vapor product, intended or reasonably expected  
40 to be used with or for the consumption of nicotine, control report  
41 shall, to the extent practicable, include the following information: (a)  
42 tobacco and vapor product, intended or reasonably expected to be used  
43 with or for the consumption of nicotine, control efforts sponsored by  
44 state government agencies including money spent to educate [~~minors~~]  
45 those under twenty-one years of age on the hazards of tobacco and vapor  
46 product, intended or reasonably expected to be used with or for the  
47 consumption of nicotine, use;

48 (b) recommendations for improving tobacco and vapor product, intended  
49 or reasonably expected to be used with or for the consumption of nico-  
50 tine, control efforts in the state; and

51 (c) such other information as the commissioner deems appropriate.

52 § 11. The public health law is amended by adding a new section  
53 1399-ii-1 to read as follows:

54 § 1399-ii-1. Electronic cigarette and vaping prevention, awareness and  
55 control program. The commissioner shall, in consultation and collab-  
56 oration with the commissioner of education, establish and develop an

1 electronic cigarette and vaping prevention, control and awareness  
2 program within the department. Such program shall be designed to educate  
3 students, parents and school personnel about the health risks associated  
4 with vapor product use and control measures to reduce the prevalence of  
5 vaping, particularly among persons less than twenty-one years of age.  
6 Such program shall include, but not be limited to, the creation of age-  
7 appropriate instructional tools and materials that may be used by all  
8 schools, and marketing and advertising materials to discourage electron-  
9 ic cigarette use.

10 § 12. Section 1399-ii of the public health law, as amended by chapter  
11 256 of the laws of 2019, is amended to read as follows:

12 § 1399-ii. Tobacco and vapor product use prevention and control  
13 program. 1. To improve the health, quality of life, and economic well-  
14 being of all New York state citizens, there is hereby established within  
15 the department a comprehensive statewide tobacco and vapor product use  
16 prevention and control program.

17 2. The department shall support tobacco and vapor product use  
18 prevention and control activities including, but not limited to:

19 (a) Community programs to prevent and reduce tobacco use through local  
20 involvement and partnerships;

21 (b) School-based programs to prevent and reduce tobacco use and use of  
22 [~~electronic cigarettes~~] vapor products;

23 (c) Marketing and advertising to discourage tobacco, vapor product and  
24 liquid nicotine use;

25 (d) [~~Tobacco~~] Nicotine cessation programs for youth and adults;

26 (e) Special projects to reduce the disparities in smoking prevalence  
27 among various populations;

28 (f) Restriction of youth access to tobacco products[~~, electronic ciga-~~  
29 ~~rettes~~] and [~~liquid nicotine~~] vapor products;

30 (g) Surveillance of smoking and vaping rates; and

31 (h) Any other activities determined by the commissioner to be neces-  
32 sary to implement the provisions of this section.

33 Such programs shall be selected by the commissioner through an appli-  
34 cation process which takes into account whether a program utilizes meth-  
35 ods recognized as effective in reducing [~~smoking and tobacco~~] nicotine  
36 use. Eligible applicants may include, but not be limited to, a health  
37 care provider, schools, a college or university, a local public health  
38 department, a public health organization, a health care provider organ-  
39 ization, association or society, municipal corporation, or a profes-  
40 sional education organization.

41 3. (a) There shall be established a tobacco use prevention and control  
42 advisory board to advise the commissioner on tobacco use prevention and  
43 control issues and [~~electronic cigarette and liquid nicotine~~] vapor  
44 product use amongst [~~minors~~] persons less than twenty-one years of age,  
45 including methods to prevent and reduce tobacco use in the state.

46 (b) The board shall consist of seventeen members who shall be  
47 appointed as follows: nine members by the governor; three members by the  
48 speaker of the assembly; three members by the temporary president of the  
49 senate and one member each by the minority leader of the senate and  
50 minority leader of the assembly. Any vacancy or subsequent appointment  
51 shall be filled in the same manner and by the same appointing authority  
52 as the original appointment. The chairperson of the board shall be  
53 designated by the governor from among the members of the board.

54 (c) The members shall serve for terms of two years commencing on the  
55 effective date of this section. Members of the board shall receive no

1 compensation but shall be reimbursed for reasonable travel and other  
2 expenses incurred in the performance of their duties hereunder.

3 (d) The board shall meet as often as it deems necessary, but no less  
4 than four times a year. No nominee to the board shall have any past or  
5 current affiliation with the tobacco industry, vapor products industry  
6 or any industry, contractor, agent, or organization that engages in the  
7 manufacturing, marketing, distributing, or sale of tobacco products. The  
8 board shall be appointed in full within ninety days of the effective  
9 date of this section.

10 (e) The department shall prepare and submit to the board a spending  
11 plan for the tobacco and vapor product use prevention and control  
12 program authorized pursuant to the provisions of subdivision one of this  
13 section no later than thirty days after the submission of the budget to  
14 the legislature.

15 § 13. The public health law is amended by adding a new section  
16 1399-dd-1 to read as follows:

17 § 1399-dd-1. Public display of tobacco product and electronic ciga-  
18 rette advertisements and smoking paraphernalia prohibited. 1. For  
19 purposes of this section:

20 (a) "Advertisement" means words, pictures, photographs, symbols,  
21 graphics or visual images of any kind, or any combination thereof, which  
22 bear a health warning required by federal statute, the purpose or effect  
23 of which is to identify a brand of a tobacco product, electronic ciga-  
24 rette, or vapor product intended or reasonably expected to be used with  
25 or for the consumption of nicotine, a trademark of a tobacco product,  
26 electronic cigarette, or vapor product intended or reasonably expected  
27 to be used with or for the consumption of nicotine or a trade name asso-  
28 ciated exclusively with a tobacco product, electronic cigarette, or  
29 vapor product intended or reasonably expected to be used with or for the  
30 consumption of nicotine or to promote the use or sale of a tobacco prod-  
31 uct, electronic cigarette, or vapor product intended or reasonably  
32 expected to be used with or for the consumption of nicotine.

33 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-  
34 ing papers, electronic cigarette, vaporizer or any other device, equip-  
35 ment or apparatus designed for the inhalation of tobacco or nicotine.

36 (c) "Vapor product" means any vapor product, as defined by section  
37 thirteen hundred ninety-nine-aa of this article, intended or reasonably  
38 expected to be used with or for the consumption of nicotine.

39 (d) "Tobacco products" shall have the same meaning as in subdivision  
40 five of section thirteen hundred ninety-nine-aa of this article.

41 (e) "Electronic cigarette" shall have the same meaning as in subdivi-  
42 sion thirteen of section thirteen hundred ninety-nine-aa of this arti-  
43 cle.

44 2. (a) No person, corporation, partnership, sole proprietor, limited  
45 partnership, association or any other business entity may place, cause  
46 to be placed, maintain or to cause to be maintained, smoking parapher-  
47 naliam or tobacco product, electronic cigarette, or vapor product  
48 intended or reasonably expected to be used with or for the consumption  
49 of nicotine advertisements in a store front or exterior window or any  
50 door which is used for entry or egress by the public to the building or  
51 structure containing a place of business within one thousand five  
52 hundred feet of a school, provided that within New York city such prohi-  
53 bitions shall only apply within five hundred feet of a school.

54 (b) Any person, corporation, partnership, sole proprietor, limited  
55 partnership, association or any other business entity in violation of  
56 this section shall be subject to a civil penalty of not more than five

1 hundred dollars for a first violation and not more than one thousand  
2 dollars for a second or subsequent violation.

3 § 14. The general business law is amended by adding a new section  
4 396-aaa to read as follows:

5 § 396-aaa. Public display of tobacco and electronic cigarette adver-  
6 tisements and smoking paraphernalia prohibited. 1. For purposes of this  
7 section:

8 (a) "Advertisement" means words, pictures, photographs, symbols,  
9 graphics or visual images of any kind, or any combination thereof, which  
10 bear a health warning required by federal statute, the purpose or effect  
11 of which is to identify a brand of a tobacco product, electronic ciga-  
12 rette, or vapor product intended or reasonably expected to be used with  
13 or for the consumption of nicotine, a trademark of a tobacco product,  
14 electronic cigarette, or vapor product intended or reasonably expected  
15 to be used with or for the consumption of nicotine or a trade name asso-  
16 ciated exclusively with a tobacco product, electronic cigarette, or  
17 vapor product intended or reasonably expected to be used with or for the  
18 consumption of nicotine, or to promote the use or sale of a tobacco  
19 product, electronic cigarette, or vapor product intended or reasonably  
20 expected to be used with or for the consumption of nicotine.

21 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-  
22 ing papers, electronic cigarette, vaporizer or any other device, equip-  
23 ment or apparatus designed for the inhalation of tobacco or nicotine.

24 (c) "Vapor product" means any vapor product, as defined by section  
25 thirteen hundred ninety-nine-aa of the public health law, intended or  
26 reasonably expected to be used with or for the consumption of nicotine.

27 (d) "Tobacco products" shall have the same meaning as in subdivision  
28 five of section thirteen hundred ninety-nine-aa of the public health  
29 law.

30 (e) "Electronic cigarette" shall have the same meaning as in subdivi-  
31 sion thirteen of section thirteen hundred ninety-nine-aa of the public  
32 health law.

33 2. (a) No person, corporation, partnership, sole proprietor, limited  
34 partnership, association or any other business entity may place, cause  
35 to be placed, maintain or to cause to be maintained, smoking parapher-  
36 naliam or tobacco product, electronic cigarette, or vapor product  
37 intended or reasonably expected to be used with or for the consumption  
38 of nicotine, advertisements in a store front or any exterior window or  
39 any door which is used for entry or egress by the public to the building  
40 or structure containing a place of business within one thousand five  
41 hundred feet of a school, provided that within New York city such prohi-  
42 bitions shall only apply within five hundred feet of a school.

43 (b) Any person, corporation, partnership, sole proprietor, limited  
44 partnership, association or any other business entity in violation of  
45 this section shall be subject to a civil penalty of not more than five  
46 hundred dollars for a first violation and not more than one thousand  
47 dollars for a second or subsequent violation.

48 § 15. If any clause, sentence, paragraph, subdivision, or section of  
49 this part shall be adjudged by any court of competent jurisdiction to be  
50 invalid, such judgment shall not affect, impair, or invalidate the  
51 remainder thereof, but shall be confined in its operation to the clause,  
52 sentence, paragraph, subdivision, or section thereof directly involved  
53 in the controversy in which such judgment shall have been rendered. It  
54 is hereby declared to be the intent of the legislature that this act  
55 would have been enacted even if such invalid provisions had not been  
56 included herein.

1 § 16. This act shall take effect July 1, 2020; provided, however, that  
 2 section one of this act shall take effect on the forty-fifth day after  
 3 it shall have become a law. Effective immediately, the addition, amend-  
 4 ment and/or repeal of any rule or regulation necessary for the implemen-  
 5 tation of this act on its effective date are authorized to be made and  
 6 completed on or before such effective date.

7

## PART FF

8 Section 1. Subdivision 1 of section 356 of the public health law, as  
 9 amended by chapter 163 of the laws of 1975, is amended to read as  
 10 follows:

11 1. The legislative body of each county having a population of less  
 12 than one hundred fifty thousand according to the nineteen hundred seven-  
 13 ty federal decennial census or the legislative body of any county whose  
 14 population shall be less than one hundred fifty thousand under any  
 15 future federal decennial census, except a county in which a county or  
 16 part-county health district has been established under this article or a  
 17 county having a county charter, optional or alternative form of govern-  
 18 ment, shall constitute the board of health of such county and shall have  
 19 all the powers and duties of a board of health of a county or part-coun-  
 20 ty health district including the power to appoint a full-time or part-  
 21 time county health director. The county health director may serve as  
 22 director of the [~~physically handicapped children's~~] children and youth  
 23 with special health care needs support services program and may employ  
 24 such persons as shall be necessary to enable [~~him~~] the county health  
 25 director to carry into effect the orders and regulations of the board of  
 26 health and the provisions of this chapter and of the sanitary code, and  
 27 fix their compensation within the limits of the appropriation therefor.  
 28 The members of a [~~legislative~~] legislative body shall not receive addi-  
 29 tional compensation by reason of serving as members of a board of  
 30 health. The county health director, so appointed, shall have all the  
 31 powers and duties prescribed in section three hundred fifty-two of this  
 32 [~~article~~] title.

33 § 2. The section heading and subdivisions 1 and 2 of section 608 of  
 34 the public health law, as added by chapter 901 of the laws of 1986, are  
 35 amended to read as follows:

36 State aid; [~~physically handicapped children~~] children and youth with  
 37 special health care needs support services. 1. Whenever the commission-  
 38 er of health of any county or part-county health district or, in a coun-  
 39 ty lacking a county or part-county health district, the medical director  
 40 of the [~~physically handicapped children's~~] children and youth with  
 41 special health care needs support services program, or the department of  
 42 health of the city of New York, issues an authorization for medical  
 43 service for a [~~physically handicapped~~] child with physical disabilities,  
 44 such county or the city of New York shall be granted state aid in an  
 45 amount of fifty per centum of the amount expended in accordance with the  
 46 rules and regulations established by the commissioner, except that such  
 47 state aid reimbursement may be withheld if, on post-audit and review,  
 48 the commissioner finds that the medical service rendered and furnished  
 49 was not in conformance with a plan submitted by the municipality and  
 50 with the rules and regulations established by the commissioner or that  
 51 the recipient of the medical service was not a [~~physically handicapped~~]  
 52 child with a physical disability as defined in section two thousand five  
 53 hundred eighty-one of this chapter.