made available for use in such facility, not less than biennially. The commissioner may establish a fee for such inspection, which shall not exceed \( \text{fifty two hundred} \) dollars per ultraviolet radiation device; provided, however, that no facility shall be required to pay any such fee on more than one occasion in any biennial registration period. The commissioner may appoint and designate, from time to time, persons to make the inspections authorized by this article.

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

(a) The commissioner of health shall assess a fee of no more than \( \text{twenty fifty} \) dollars for each asbestos safety program completion certificate requested by the training sponsor for each full asbestos safety program and a fee of no more than \( \text{twelve thirty} \) dollars for each asbestos safety program completion certificate requested by the training sponsor for each refresher training asbestos safety program, provided, however, that in no event shall the cost of such certificates be assessed by the sponsor against the participants.

§ 5. This act shall take effect immediately.

PART EE

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

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

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

3. Any vapor products dealer, or any agent or employee of a vapor products dealer, who violates the provisions of this section shall be subject to a civil penalty of not more than one hundred dollars for each individual package of flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine sold or offered for sale, provided, however, that with respect to a manufacturer, it shall be an affirmative defense to a finding of violation pursuant to this section that such sale or offer of sale, as applicable, occurred without the knowledge, consent, authorization, or involvement, direct or indirect, of such manufacturer. Violations of this section shall be enforced pursuant to section thirteen hundred ninety-nine-ff of
this article, except that any person may submit a complaint to an
enforcement officer that a violation of this section has occurred.

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

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

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

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

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

3. The provisions of this section shall not apply where preempted by
federal law. Furthermore, the provisions of this section shall be
severable, and if any phrase, clause, sentence, or provision is declared
to be invalid, or is preempted by federal law or regulation, the validi-
ty of the remainder of this section shall not be affected thereby. If
any provision of this section is declared to be inapplicable to any
specific category, type, or kind of carrier oil, the provisions of this
section shall nonetheless continue to apply with respect to all other
carrier oils.
§ 2. Section 1399-aa of the public health law is amended by adding five new subdivisions 14, 15, 16, 17, and 18 to read as follows:

14. "Price reduction instrument" means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

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

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

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

18. "Vapor products dealer" means a person licensed by the commissioner of taxation and finance to sell vapor products in this state.

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

§ 1399-ll. Unlawful shipment or transport of cigarettes and vapor products. 1. It shall be unlawful for any person engaged in the business of selling cigarettes to ship or cause to be shipped any cigarettes to any person in this state who is not: (a) a person licensed as a cigarette tax agent or wholesale dealer under article twenty of the tax law or registered retail dealer under section four hundred eighty-a of the tax law; (b) an export warehouse proprietor pursuant to chapter 52 of the internal revenue code or an operator of a customs bonded warehouse pursuant to section 1311 or 1555 of title 19 of the United States Code; or (c) a person who is an officer, employee or agent of the United States government, this state or a department, agency, instrumentality or political subdivision of the United States or this state and presents himself or herself as such, when such person is acting in accordance with his or her official duties. For purposes of this subdivision, a person is a licensed or registered agent or dealer described in paragraph (a) of this subdivision if his or her name appears on a list of licensed or registered agents or dealers published by the department of taxation and finance, or if such person is licensed or registered as an agent or dealer under article twenty of the tax law.

1-a. It shall be unlawful for any person engaged in the business of selling vapor products to ship or cause to be shipped any vapor products intended or reasonably expected to be used with or for the consumption of nicotine to any person in this state who is not: (a) a person that...
receives a certificate of registration as a vapor products dealer under
article twenty eight-C of the tax law; (b) an export warehouse proprie-
tor pursuant to chapter 52 of the internal revenue code or an operator
of a customs bonded warehouse pursuant to section 1311 or 1555 of title
19 of the United States Code; or (c) a person who is an officer, employ-
ee or agent of the United States government, this state or a department,
agency, instrumentality or political subdivision of the United States or
this state and presents himself or herself as such, when such person is
acting in accordance with his or her official duties. For purposes of
this subdivision, a person is a licensed or registered agent or dealer
described in paragraph (a) of this subdivision if his or her name
appears on a list of licensed or registered agents or vapor product
dealers published by the department of taxation and finance, or if such
person is licensed or registered as an agent or dealer under article
twenty eight-C of the tax law.

2. It shall be unlawful for any common or contract carrier to knowing-
ly transport cigarettes to any person in this state reasonably believed
by such carrier to be other than a person described in paragraph (a),
(b) or (c) of subdivision one of this section. For purposes of the
preceding sentence, if cigarettes are transported to a home or resi-
dence, it shall be presumed that the common or contract carrier knew
that such person was not a person described in paragraph (a), (b) or (c)
of subdivision one of this section. It shall be unlawful for any other
person to knowingly transport cigarettes to any person in this state,
other than to a person described in paragraph (a), (b) or (c) of subdi-
vision one of this section. Nothing in this subdivision shall be
construed to prohibit a person other than a common or contract carrier
from transporting not more than eight hundred cigarettes at any one time
to any person in this state. It shall be unlawful for any common or
contract carrier to knowingly transport vapor products intended or
reasonably expected to be used with or for the consumption of nicotine
to any person in this state reasonably believed by such carrier to be
other than a person described in paragraph (a), (b) or (c) of subdivi-
sion one-a of this section. For purposes of the preceding sentence, if
vapor products intended or reasonably expected to be used with or for
the consumption of nicotine are transported to a home or residence, it
shall be presumed that the common or contract carrier knew that such
person was not a person described in paragraph (a), (b) or (c) of subdi-
vision one-a of this section. It shall be unlawful for any other person
to knowingly transport vapor products intended or reasonably expected to
be used with or for the consumption of nicotine to any person in this
state, other than to a person described in paragraph (a), (b) or (c) of subdi-
vision one of this section. Nothing in this subdivision shall be
construed to prohibit a person other than a common or contract carrier
from transporting vapor products, provided that the amount of vapor
products intended or reasonably expected to be used with or for the
consumption of nicotine shall not exceed the lesser of 500 milliliters,
or a total nicotine content of 3 grams at any one time to any person in
this state.

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

4. Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in subdivision four of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine which have been or which are being shipped or transported in violation of this section, such person is hereby empowered and authorized to seize and take possession of such cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine, and such cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine shall be subject to a forfeiture action pursuant to the procedures provided for in article thirteen-A of the civil practice law and rules, as if such article specifically provided for forfeiture of cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine seized pursuant to this section as a pre-conviction forfeiture crime.  

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

6. The attorney general may bring an action to recover the civil penalties provided by subdivision five of this section and for such other relief as may be deemed necessary. In addition, the corporation counsel of any political subdivision that imposes a tax on cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine may bring an action to recover the civil penalties provided by subdivision five of this section and for such other relief as may be deemed necessary with respect to any cigarettes or vapor products intended or reasonably expected to be used with or for the consumption of nicotine shipped, caused to be shipped or transported in violation of this section to any person located within such political subdivision. All civil penalties obtained in any such action shall be retained by the state or political subdivision bringing such action, provided that no person shall be required to pay civil penalties to both the state and a political subdivision with respect to the same violation of this section.

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

§ 1399-bb. Distribution of tobacco products, [electronic-cigarettes] 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
used with or for the consumption of nicotine to a consumer for less than the listed price or non-discounted price.

2. The prohibitions contained in subdivision one of this section shall not apply to the following locations:
   (a) private social functions when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;
   (b) conventions and trade shows; provided that the distribution is confined to designated areas generally accessible only to persons over the age of twenty-one;
   (c) events sponsored by tobacco, vapor product intended or reasonably expected to be used with or for the consumption of nicotine, or herbal cigarette manufacturers provided that the distribution is confined to designated areas generally accessible only to persons over the age of twenty-one;
   (d) bars as defined in subdivision one of section thirteen hundred ninety-nine-n of this chapter;
   (e) tobacco businesses as defined in subdivision eight of section thirteen hundred ninety-nine-aa of this article;
   (f) factories as defined in subdivision nine of section thirteen hundred ninety-nine-aa of this article and construction sites; provided that the distribution is confined to designated areas generally accessible only to persons over the age of twenty-one.

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

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

5. The distribution of tobacco products, electronic cigarettes, vapor products intended or reasonably expected to be used with or for the consumption of nicotine, or herbal cigarettes pursuant to subdivision two of this section or the distribution without charge of electronic cigarettes, or vapor products intended or reasonably expected to be used with or for the consumption of nicotine, shall be made only to an individual who demonstrates, through (a) a driver's license or [other photo-identification card issued by a government entity or educational institution] the commissioner of motor vehicles, the federal government, any United States territory, commonwealth, or possession, the District of Columbia, a state government within the United States, or a provincial government of the dominion of Canada, (b) a valid passport issued by the United States government or the government of any other country, or (c) an identification card issued by the armed forces of the United States, indicating that the individual is at least twenty-one years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product, electronic cigarette, vapor product intended or reasonably expected to be used with or for the consumption of nicotine, or herbal cigarette or
the distribution without charge of electronic cigarettes, or vapor products intended or reasonably expected to be used with or for the consumption of nicotine to an individual.

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

**ARTICLE 17**

**INGREDIENT DISCLOSURES FOR VAPOR PRODUCTS AND E-CIGARETTES**

**Section 1700. Definitions.**

1701. Disclosure.

1702. Penalties.

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

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

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

3. "Ingredient" shall mean all of the following:
   (a) any intentional additive present in any quantity in a vapor product;
   (b) a byproduct or contaminant, present in a vapor product in any quantity equal to or greater than one-half of one percent of the content of such product by weight, or other amount determined by the commissioner;
   (c) a byproduct present in a vapor product in any quantity less than one-half of one percent of the content of such product by weight, provided such element or compound has been published as a chemical of concern on one or more lists identified by the commissioner; and
   (d) a contaminant present in a vapor product in a quantity determined by the commissioner and less than one-half of one percent of the content of such product by weight, provided such element or compound has been published as a chemical of concern on one or more lists identified by the commissioner.

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

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

6. "Contaminant" shall mean any element or compound made present in a vapor product as an unintentional consequence of manufacturing. Contaminants include, but are not limited to, elements or compounds present in the environment which were introduced into a product, a raw material, or a product ingredient as a result of the use of an environmental medium,
such as naturally occurring water, or other materials used in the manu-
ufacturing process at any point in a product's supply chain, or at any
point in the supply chain of any raw material or ingredient used to
manufacture such product.

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

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

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

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

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

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

(iv) for each ingredient published as a chemical of concern on one or
more lists identified by the commissioner, an evaluation of the availability of potential alternatives and potential hazards posed by such
alternatives.

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

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

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

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

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

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

2. Manufacturers shall furnish the information required to be posted
pursuant to subdivision one of this section on or before January first,
two thousand twenty-one, and every two years thereafter. In addition,
such manufacturers shall furnish such information prior to the sale of any new vapor product or e-cigarette, when the formulation of a current-ly disclosed product is changed such that the predominance of the ingre-dients in such product is changed, when any list of chemicals of concern identified by the commissioner pursuant to this article is changed to include an ingredient present in a vapor product or e-cigarette subject to this article, or at such other times as may be required by the commissioner.

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

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

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

2. If the enforcement officer determines after a hearing that a violation of this article has occurred, he or she shall impose a civil penalty of a minimum of three hundred dollars, but not to exceed one thousand dollars for a first violation, and a minimum of five hundred dollars, but not to exceed one thousand dollars, for each subsequent violation, unless a different penalty is otherwise provided in this article. The enforcement officer shall advise the retail dealer that upon the accumulation of three or more points pursuant to this section the department of taxation and finance shall suspend the dealer’s registration. If the enforcement officer determines after a hearing that a retail dealer was selling tobacco products while their registration was suspended or permanently revoked pursuant to subdivision three or four of this section, he or she shall impose a civil penalty of twenty-five hundred dollars.

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

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

§ 7. Paragraph 1 of subdivision h of section 1607 of the tax law, as amended by chapter 162 of the laws of 2002, is amended to read as follows:
1. A license shall be suspended for a period of six months upon notification to the division by the commissioner of health of a lottery sales agent's accumulation of three or more points pursuant to subdivision three of section thirteen hundred ninety-nine-ee of the public health law.

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

 § 1399-hh. Tobacco and vapor product enforcement. The commissioner shall develop, plan and implement a comprehensive program to reduce the prevalence of tobacco use, and vapor product, intended or reasonably expected to be used with or for the consumption of nicotine, use particularly among persons less than eighteen years of age. This program shall include, but not be limited to, support for enforcement of this article [thirteen-f of this chapter].

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

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

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

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

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

2. The commissioner shall ensure that, to the extent practicable, the most current research findings regarding mechanisms to reduce and change attitudes toward tobacco and vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, use are used in tobacco and vapor product, intended or reasonably expected to be used with or for the consumption of nicotine, education programs administered by the department.
3. To diminish tobacco and vapor product, intended or reasonably expected to be used with or for the consumption of nicotine, use among minors and adults, the commissioner shall ensure that, to the extent practicable, the following is achieved:

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

(a) sound evaluation principles including, to the extent feasible, elements of controlled experimental methods;
(b) an evaluation of the comparative effectiveness of individual program designs which shall be used in funding decisions and program modifications; and
(c) an evaluation of other programs identified by state agencies, local lead agencies, and federal agencies.

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

§ 1399-kk. Annual tobacco and vapor product enforcement reporting.

The commissioner shall submit to the governor and the legislature an interim tobacco control report and annual tobacco control reports which shall describe the extent of the use of tobacco products and vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, by [minors] those under twenty-one years of age in the state and document the progress state and local governments have made in reducing such use among [minors] those under twenty-one years of age.

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

(a) number of licensed and registered tobacco retailers and vendors;
(b) the names and addresses of retailers and vendors who have paid fines, or have been otherwise penalized, due to enforcement actions;
(c) the number of complaints filed against licensed and registered tobacco retailers;
(d) the number of fires caused or believed to be caused by tobacco products and deaths and injuries resulting therefrom;
(e) the number and type of compliance checks conducted; and
(f) such other information as the commissioner deems appropriate.

2. The commissioner shall submit to the governor and the legislature an annual tobacco and vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, control report which shall describe the extent of the use of tobacco products and vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, by [minors] those under twenty-one years of age in the state and document the progress state and local governments have made in reducing such use among [minors] those under twenty-one years of age.
made in reducing such use among [minors] those under twenty-one years of age. The annual report shall be submitted to the governor and the legislature on or before March thirty-first of each year beginning on March thirty-first, nineteen hundred ninety-nine. The annual report shall, to the extent practicable, include the following information on a county by county basis:

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

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

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

(d) the number of fires caused or believed to be caused by tobacco products and vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, and deaths and injuries resulting therefrom;

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

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

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

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

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

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

(k) the number of cigarette vending machines;

(l) the number and type of compliance checks;

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

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

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

(b) recommendations for improving tobacco and vapor product, intended or reasonably expected to be used with or for the consumption of nicotine, control efforts in the state; and

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

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

§ 1399-ii-1. Electronic cigarette and vaping prevention, awareness and control program. 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.

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

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

2. The department shall support tobacco and vapor product use prevention and control activities including, but not limited to:
   (a) Community programs to prevent and reduce tobacco use through local involvement and partnerships;
   (b) School-based programs to prevent and reduce tobacco use and use of electronic cigarettes vapor products;
   (c) Marketing and advertising to discourage tobacco, vapor product and liquid nicotine use;
   (d) Tobacco Nicotine cessation programs for youth and adults;
   (e) Special projects to reduce the disparities in smoking prevalence among various populations;
   (f) Restriction of youth access to tobacco products[electronic cigarettes] and [liquid nicotine] vapor products;
   (g) Surveillance of smoking and vaping rates; and
   (h) Any other activities determined by the commissioner to be necessary to implement the provisions of this section.

Such programs shall be selected by the commissioner through an application process which takes into account whether a program utilizes methods recognized as effective in reducing smoking and tobacco nicotine use. Eligible applicants may include, but not be limited to, a health care provider, schools, a college or university, a local public health department, a public health organization, a health care provider organization, association or society, municipal corporation, or a professional education organization.

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

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

(c) The members shall serve for terms of two years commencing on the effective date of this section. Members of the board shall receive no
compensation but shall be reimbursed for reasonable travel and other expenses incurred in the performance of their duties hereunder.

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

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

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

§ 1399-dd-1. Public display of tobacco product and electronic cigarette advertisements and smoking paraphernalia prohibited. 1. For purposes of this section:

(a) "Advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine, a trademark of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine or to promote the use or sale of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine.

(b) "Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.

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

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

(e) "Electronic cigarette" shall have the same meaning as in subdivision thirteen of section thirteen hundred ninety-nine-aa of this article.

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

(b) Any person, corporation, partnership, sole proprietor, limited partnership, association, or any other business entity in violation of this section shall be subject to a civil penalty of not more than five
§ 14. The general business law is amended by adding a new section 396-aaa to read as follows:

§ 396-aaa. Public display of tobacco and electronic cigarette advertisements and smoking paraphernalia prohibited. 1. For purposes of this section:

(a) "Advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine, a trademark of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine, or to promote the use or sale of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine.

(b) "Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.

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

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

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

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

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

§ 15. If any clause, sentence, paragraph, subdivision, or section of this part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 16. This act shall take effect July 1, 2020; provided, however, that
it shall have become a law. Effective immediately, the addition, amend-
ment and/or repeal of any rule or regulation necessary for the implemen-
tation of this act on its effective date are authorized to be made and
completed on or before such effective date.

PART FF

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

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

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

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