



Legislation Text

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Int. No. 727

By the Speaker (Council Member Vallone), and Council Members Koslowitz, Dear, Carrion, Malave-Dilan, Freed, Michels, Rodriguez, Watkins, Fiala and Golden; also Council Members Cruz, Fisher, Harrison, Leffler, Nelson, O'Donovan, Povman, Rivera, Robinson, Wooten and Ognibene

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of herbal cigarettes to minors.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is hereby amended by adding a new chapter eight, to read as follows:

**CHAPTER 8**

**REGULATION OF THE SALE OF HERBAL CIGARETTES**

§ 17-701 Definitions. Whenever used in this chapter, the following terms shall be defined as follows:

a. “Person” means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

b. “Herbal cigarette” means a cigarette that is composed of one or more herbs and is not a tobacco product as defined in subdivision r of section § 17-617 of this code.

§ 17-702 Sale of herbal cigarettes to minors prohibited. It shall be unlawful for any person to sell or offer for sale herbal cigarettes to an individual under eighteen years of age.

§ 17-703 Violations and penalties. a. Any person who violates any provision of this chapter or any rules promulgated hereunder shall be liable for a civil penalty of not less than two hundred and fifty dollars, nor more than two thousand dollars for each violation.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of paragraph a of this section shall be commenced by the service of a notice violation which shall be returnable to the administrative tribunal established by the board of health, where the department of health issues such notice, or the adjudication division of the department of consumer affairs where that department issues such notice.

§ 2. Subparagraph C of paragraph 1 of subdivision d of section 20-202 of such code, as added by local law 2 for the year 2000, is amended to read as follows:

(C) the commissioner has not received notification from the commissioner of finance or the commissioner of the department of health that such applicant is not in full compliance with any provision of chapter thirteen of title eleven of this code, or chapter forty of title eleven of this code relating to the sale of cigarettes, or chapter seven of title seventeen of this code, or chapter eight of title seventeen of this code, or any rules promulgated by the commissioner of finance or the commissioner of the department of health to effectuate the purposes of such chapters.

§ 3. Subdivision a of section 20-206 of such code, as added by local law 2 for the year 2000, is amended by adding a new paragraph 3, to read as follows:

3. violated the provisions of section 17-702 of this code or any rules promulgated thereunder.

§ 4. This local law shall take effect upon the effective date of local law 2 for the year 2000.