Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored electronic cigarettes.

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10/7/2014	*	City Council	Introduced by Council	
10/7/2014	*	City Council	Referred to Comm by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 488

By Council Members Constantinides, Cabrera, Johnson, Lander, Palma, Richards and Rodriguez

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

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of section 17-713 of the administrative code of the city of New York are amended to read as follows:

c. "Component part" means any element of a tobacco product or electronic cigarette, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

d. "Constituent" means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product or electronic cigarette during the processing, manufacture or packing of the tobacco product or electronic cigarette. Such term shall include a smoke constituent.

§2. Section 17-713 of the administrative code of the city of New York is amended by adding new

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subdivisions k and l to read as follows:

k. "Electronic cigarette" means an electronic device that delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. Electronic cigarette shall not include any product approved by the food and drug administration for sale as a drug or medical device.

l. "Flavored electronic cigarette" means any electronic cigarette or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of an electronic cigarette, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such electronic cigarette, that such electronic cigarette has or produces a characterizing flavor shall constitute presumptive evidence that the electronic cigarette is a flavored electronic cigarette.

§3. Section 17-715 of the administrative code of the city of New York is amended to read as follows:

§ 17-715 Sale of flavored tobacco products and flavored electronic cigarettes prohibited. a. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product or flavored electronic cigarette except in a tobacco bar.

b. There shall be a presumption that a retail dealer in possession of four or more flavored tobacco products, which shall include individual tobacco products or electronic cigarettes, packages of tobacco products or electronic cigarettes, or any combination thereof, possesses such tobacco products or electronic cigarettes with intent to sell or offer for sale.

§4. This local law shall take effect ninety days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

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10/1/2014

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