File #: Int 0755-2024, **Version:** *

Int. No. 755

By Council Members Holden, Gennaro, Ung, Ariola and Marmorato

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new smoking paraphernalia retailer dealers near schools

Be it enacted by the Council as follows:

Section 1. Section 17-702 of the administrative code of the city of New York, as amended by local law number 191 for the year 2017, is amended by adding a new subdivision dd to read as follows:

dd. "Smoking paraphernalia retail dealer" means any person engaged in the retail sale of non-tobacco smoking products. For the purposes of this section, the possession or transportation at any one time of more than 20 non-tobacco smoking products by any person other than a manufacturer or a person delivering such products in the regular course of business for a manufacturer or smoking paraphernalia retail dealer, shall be presumptive evidence that such person is a smoking paraphernalia retail dealer.

§ 2. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-706.1 to read as follows:

§ 17-706.1 Smoking paraphernalia retail dealer locations. It is unlawful for any person to engage in business as a smoking paraphernalia retail dealer within 500 feet of any public or non-public school serving children in any grade from kindergarten through high school except where such smoking paraphernalia retail dealer was engaged in the retail sale of non-tobacco smoking products in such location on the effective date of this section.

§ 3. Section 17-709 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709 Enforcement. The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer affairs shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705, [and] 17-706 and 17-706.1. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 4. Section 17-709.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

§ 17-709.1 Rules. The commissioner of the department and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter. The commissioner of consumer affairs shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of section 17-706.1.

§ 5. This local law takes effect 60 days after it becomes law, except that before such date the commissioner of consumer affairs shall publicize the location restriction set forth in section 17-706.1 of the administrative code of the city of New York, as added by section two of this local law, and may take any other measures necessary for the implementation of this local law, including the promulgation of rules.

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