



## PROPOSED LOCAL LAW A-16

*Introduced by Legislator Johnson:*

### **A LOCAL LAW PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, LIQUID NICOTINE OR ELECTRONIC CIGARETTES TO PERSONS UNDER TWENTY-ONE YEARS OF AGE**

**BE IT ENACTED** by the Legislature of the County of Schenectady, as follows:

#### Section 1.

Any person operating a place of business in the County of Schenectady wherein cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale is prohibited from selling such cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes to persons under twenty-one years of age. Sale of cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes in such places shall be made only to a person who demonstrates, through a photographic identification card issued by a governmental entity or educational institution, that the person is over twenty-one years of age. Such photographic identification card need not be required of any person who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes to a person under twenty-one years of age.

As used in this local law:

- a.) "Tobacco products" means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products.
- b.) "Bidis" means a product containing tobacco that is wrapped in Temburni leaf (*diospyros melanoxylon*) or tendra leaf (*diospyros exculpra*), or any other product offered to consumers as "beedies" or "bidis".
- c.) "Electronic cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

- d.) "Liquid nicotine" means a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.
- e.) Shisha" means any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

## Section 2.

Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale shall post in a conspicuous place a sign, in accordance with the rules of the Office of Public Health Services, advising persons about the minimum age requirements for the purchase of such items.

## Section 3.

Any person found to be in violation of any provision of this local law shall be subject to the imposition of a civil penalty by the Director of the Office of Public Health Services of a minimum of three hundred dollars (\$300), but not to exceed one thousand dollars (\$1,000) for a first violation, and a minimum of five hundred dollars (\$500), but not to exceed one thousand five hundred dollars (\$1,500) for each subsequent violation.

## Section 4. Separability.

If any part of or provisions of this local law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or otherwise invalidate the remainder of this local law, which shall remain in full force and effect except as limited by such judgment.

## Section 5. Codification.

This Governing Body authorizes the Clerk of the Legislature to undertake whatever ministerial actions are necessary subsequent to the adoption of this local law to re-number the respective sections of this local law, and to place each section within the official code of the County of Schenectady.

## Section 6. Effective Date.

This law shall take effect on September 1, 2016.