

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231
Local Law Filing

**DRAFT - To be
considered
April 18, 2017**

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
of Tompkins
Town
Village

Local Law No. _____ **b** _____ **of the year 2017** _____

A local law Raising the Legal Age to 21 for Tobacco Sale and Purchase
(Insert Title)

Be it enacted by the Tompkins County Legislature **of the**
(Name of Legislative Body)

County
City
of Tompkins **as follows:**
Town
Village

Section 1: Findings

Tompkins County has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescents from tobacco dependence and the illnesses and premature death associated with tobacco use;¹

It is the intent of Tompkins County to implement effective measures through this Local Law to reduce youth access to tobacco products, e-cigarettes and similar aerosol devices, smoking paraphernalia, and shisha.

Section 2: Definitions

DEPARTMENT means Tompkins County Health Department.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS) has the same meaning as in § 72-6 of the Tompkins County Code.

LEGAL AGE means age 21 years.

SHISHA means any product made primarily of tobacco or other leaf or herbs, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

SMOKING PARAPHERNALIA means any pipe, water pipe, hookah, rolling papers, or any other device, equipment, or apparatus designed for the inhalation of tobacco or Shisha.

TOBACCO PRODUCT means any product made or derived from tobacco or which contains nicotine marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco product does not include drugs, devices, or combination products authorized for sale by the State or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

TOBACCO RETAILER has the same meaning as in § 155-2 of the Tompkins County Code.

Section 3: Minimum Sales Age Restriction

No person shall sell any tobacco product, electronic nicotine delivery system, shisha, or smoking paraphernalia to persons under the Legal Age.

Section 4: Signage

Any person selling tobacco products, liquid nicotine, shisha or electronic cigarettes shall post in a conspicuous place a sign upon which there shall be imprinted the following statement, "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW." Such sign shall be printed on a white card in red letters at least one-half inch in height.

Section 5: Violations and Enforcement

(A) The Department or its authorized designee(s) shall enforce the provisions of this Local Law. The Department may conduct periodic inspections in order to ensure compliance with this Local Law.

(B) Any person found to be in violation of this Local Law shall be liable for a civil penalty of no less than \$300 but no more than \$1,000 for a first violation, and no less than \$500 but no more than \$1,500 for each subsequent violation.

(C) Any peace officer or police officer within the County of Tompkins is authorized to enforce this Local Law. The Department is authorized to enforce this Local Law in the same manner as a violation of the County Sanitary Code.

(D) Violations of this Local Law shall be separate from and, where applicable, in addition to a violation of the Adolescent Tobacco Use Prevention Act (ATUPA).

Section 6: Rules and Regulations

The Department may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Local Law.

Section 7: Severability

The provisions of this Local Law are declared to be severable, and if any section of this Local Law is held to be invalid, such invalidity shall not affect the other provisions of this Local Law that can be given effect without the invalidated provision.

Section 8: Effective Date

The effective date of this Local Law shall be sixty (60) days from the date of its enactment.

ⁱ Lorillard Tobacco Co. v. Reilly, 533 U.S. 525, 555 (2001); *see also* Cf. Ian McLaughlin, Tobacco Control Legal Consortium, *License to Kill?: Tobacco Retailer Licensing as an Effective Enforcement Tool 1* (2010), available at <http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>.