

LOCAL LAW NO. "C" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, LIQUID NICOTINE OR ELECTRONIC CIGARETTES TO MINORS AND YOUNG ADULTS

Introduced: 2/9/16

By Mr. Miller, Ms. Lekakis, Mr. Mayo, Mss. McKnight, McLean Lane, Willingham, Messrs. Andrew Joyce, Clay and Touchette:

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

SECTION 1. Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, or electronic cigarettes are sold or offered for sale is prohibited from selling such cigarettes, tobacco products, liquid nicotine, or electronic cigarettes to individuals under twenty-one years of age. Sale of cigarettes, tobacco products, liquid nicotine, or electronic cigarettes in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least twenty-one years of age. Such identification need not be required of any individual 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, or electronic cigarettes to an individual under twenty-one years of age.

SECTION 2. Any person operating a place of business wherein non-tobacco shisha, pipes, or rolling papers are sold or offered for sale is prohibited from selling such non-tobacco shisha, pipes, or rolling papers to individuals under eighteen years of age. Sale of non-tobacco shisha, pipes, or rolling papers in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least eighteen years of age. Such identification need not be required of any individual 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 non-tobacco shisha, pipes, or rolling papers to an individual under eighteen years of age.

SECTION 3. Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, electronic cigarettes, herbal cigarettes, non-tobacco shisha, pipes, or rolling papers are sold or offered for sale shall post in a conspicuous place a sign, in accordance with the rules of the department, advising persons about the minimum age requirements for the purchase of such items.

SECTION 4. If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or 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 order or judgment.

SECTION 6. Reverse Preemption.

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal Administrative Agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions in this section.

SECTION 6. This Local Law shall be effective immediately upon filing with the Office of the Secretary of State.

Referred to Health and Audit and Finance Committees. 2/9/16