

LOCAL LAW NO. "C" FOR 2012

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK BANNING PERSONS UNDER THE AGE OF 18 FROM ENTERING ANY ESTABLISHMENT THAT MAINTAINS A ROLL-YOUR-OWN TOBACCO MACHINE FOR THE USE OF PATRONS IN ALBANY COUNTY

Introduced: 3/12/12

By Messrs. Nichols and Clenahan:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds the Albany County Legislature has a long and proud history of being at the forefront of the efforts to curb smoking and its threat to the health and welfare of the citizens of Albany County.

This Legislature also finds and determines that nicotine is a known neurotoxin that is also one of the most highly addictive substances available for public consumption.

This Legislature also finds that studies show that adolescents can become addicted to nicotine after ingesting the equivalent of 20 cigarettes (the amount traditionally available in a single pack).

This Legislature also finds that the purveyors of tobacco products are now offering for sale loose tobacco and rolling papers or tubes for sale in establishments that also provide roll-your-own tobacco machines to manufacture cigarettes.

This Legislature also finds that the actual purpose of these establishments is to both avoid the excise tax on the sale of cigarettes and to provide an unregulated smoking environment.

The purpose of this local law is to ban persons under the age of 18 from entering any establishment that maintains a roll-your-own tobacco machine for the use of its patrons

Section 2. Definition of "Roll-Your-Own Cigarette Machine" shall mean any device designed to mechanically or electronically create cigarettes using tobacco and paper or cigarette tubes including, but not limited to rolling machines, roll boxes, and cigarette injector machines.

Section 3. Prohibition.

No person under eighteen (18) years of age shall be permitted to enter any store, shop, restaurant, bar, club, lodge, or any other establishment of whatever

kind or nature that maintains a roll-your-own tobacco machine for use by its patrons.

Section 4. Penalties.

The owner, manager and/or any employee of any establishment who violates the provisions of Section 3 of this local law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000). Each violation shall constitute a separate and distinct offense.

Section 5. Applicability.

This local law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Severability:

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This local law shall take effect sixty (60) days after its filing in the Office of the Secretary of State.

Referred to Health and Audit and Finance Committees. 3/12/12