

**RESOLUTION NO. -2018, ADOPTING LOCAL LAW  
NO. -2018, A LOCAL LAW TO LIMIT THE FLAVORING OF  
LIQUID NICOTINE AND E-CIGARETTES SOLD IN SUFFOLK  
COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 20, 2018, a proposed local law entitled, "**A LOCAL LAW TO LIMIT THE FLAVORING OF LIQUID NICOTINE AND E-CIGARETTES SOLD IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2018, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO LIMIT THE FLAVORING OF LIQUID NICOTINE  
AND E-CIGARETTES SOLD IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County has been a national leader in the regulation of electronic cigarettes and liquid nicotine, enacting Local Law No. 29-2009, which prohibits the sale of e-cigarette sales to minors and restricts the locations where e-cigarettes may be used, and Local Law No. 9-2015, which requires retailers to post signage which warns of the dangers associated with liquid nicotine.

This Legislature also finds and determines that the County has maintained a public health goal of reducing addiction to nicotine among all populations and preventing children from developing a nicotine dependence in their teen years.

This Legislature further finds and determines that many e-cigarette and liquid nicotine products come in flavors that are attractive to young people, such as cherry, fruit punch, chocolate and cola.

This Legislature finds that recent studies by the Food and Drug Administration and the Centers for Disease Control and Prevention show a marked increase in the use of e-cigarettes and liquid nicotine by middle and high-school students. In the past year, the percentage of middle school students using e-cigarettes has increased by 50%, with use by high school students increasing by 80%.

This Legislature determines that fruit and candy flavorings offered by liquid nicotine manufacturers are a significant enticement to children and a likely cause of the increase in e-cigarette use by teenagers.

This Legislature finds that limiting liquid nicotine flavors available for purchase would reduce children's interest in using these products while allowing adults the option to

continue using e-cigarettes as a replacement for traditional tobacco products or for smoking cessation purposes.

This Legislature further finds that major e-cigarette and liquid nicotine manufacturers, such as Juul, are voluntarily removing fruit and candy based flavors from their product offerings as a means to reduce their improper use by children.

This Legislature determines that Suffolk County should limit the sale of e-cigarettes and liquid nicotine to tobacco, mint and menthol flavors to combat the rising tide of liquid nicotine use by minors.

Therefore, the purpose of this law is to amend Chapter 792 of the SUFFOLK COUNTY CODE to only allow for the sale of e-cigarette and liquid nicotine products that are tobacco, mint or menthol flavored.

## **Section 2. Amendments.**

Chapter 792 of the SUFFOLK COUNTY CODE is hereby amended as follows:

### **Chapter 792. Tobacco Products**

\* \* \* \*

#### **Article II. E-Cigarettes.**

\* \* \* \*

#### **§ 792-9. Sale restrictions.**

- A. No person shall sell or offer for sale e-cigarettes or liquid nicotine within the County of Suffolk to persons under 21 years of age.
- B. E-cigarette and liquid nicotine products may only be offered for sale within the County of Suffolk if they are flavorless or tobacco, mint or menthol flavored.

\* \* \* \*

## **Section 3. Applicability.**

This law shall apply to all e-cigarettes and liquid nicotine product sales occurring on or after the effective date of this law.

## **Section 4. 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 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect on the sixtieth (60<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language

\_\_\_ Underlining denotes addition of new language

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: