

Village of Tuckahoe

Proposed Local Law

Known as the “Electronic Nicotine Delivery Product Law”

A LOCAL LAW prohibiting the sale of Electronic Nicotine Delivery Products in the Village of Tuckahoe.

BE IT ENACTED by the Village Board of Trustees of the Village of Tuckahoe as follows:

Section 1: Legislative Findings and Declarations.

The Village Board of Trustees finds that the Village has a substantial interest in responding to the increased use of electronic cigarettes and nicotine delivery products among adolescents. E-cigarettes are now among the most commonly used tobacco product among youth. Public health authorities and agencies, including the Centers for Disease Control and Prevention and U.S. Surgeon General, have advised that the use of e-cigarettes and nicotine delivery products poses significant and avoidable health risks to young people and that the scope of such ill effects have not yet been fully identified or ascertained. The purpose of this Local Law is to prevent the sale of Electronic Nicotine Delivery Products (defined herein) in the Village to prevent the unrestricted proliferation of the sale of such products in the Village and to protect the health, safety and welfare of the community.

Section 2: Definitions.

As used in this Local Law, the following words and terms are defined as follows:

Electronic Nicotine Delivery Products- Any article or product, not including cigarettes, cigars, pipe tobacco, or chewing tobacco, made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Electronic Nicotine Delivery Products include, but are not limited to, e-cigarettes, vapes, vaporizers, vape pens, lozenges or other candy, drinks, liquid nicotine or other e-liquids or inhalers.

Person- Any individual, group of individuals, corporation, partnership, limited liability company, unincorporated association, joint venture, association or any other entity of any kind.

Section 3: Sale of Electronic Nicotine Delivery Products Prohibited.

The sale, offer for sale, or distribution of Electronic Nicotine Delivery Products is prohibited within the Village of Tuckahoe.

Section 4: Existing Sales of Electronic Nicotine Delivery Products.

Any Person selling or distributing Electronic Nicotine Delivery Products in the Village of Tuckahoe on the Effective Date of this Local Law shall cease all sales of such products within the Village of Tuckahoe within six (6) months of the Effective Date of this Local Law.

Section 5: Enforcement.

The provisions of this Local Law shall be enforced by the Police Department of the Village of Tuckahoe and any other qualified agent of the Village of Tuckahoe appointed by the Village Board of Trustees.

Section 6: Penalties for Violation.

Any Person who violates the provision of this Local Law shall be guilty of a violation punishable by a fine not exceeding \$1,000.00 for each offense. Each day a violation exists shall constitute a separate offense.

Section 7: Severability.

If any word, clause, sentence, paragraph, subdivision or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8: Superseding Other Laws.

All ordinances or parts of ordinances or local laws or parts of local laws, or State laws which conflict with the provisions of this local law are hereby superseded and rendered temporarily null and void to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Section 9: Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the New York State Secretary of State.