

LOCAL LAW NO. O FOR 2024

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 242 OF THE ALBANY COUNTY CODE TO PROHIBIT THE SALE OF CAMOUFLAGED VAPING DEVICES IN ALBANY COUNTY

Introduced: 9/9/24

By Cunningham, Willingham, McLean Lane, McLaughlin and Miller:

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

SECTION I. Article Creation.

Chapter 242, Article VII, Camouflaged Vaping Devices, is hereby created

SECTION II. § 242-45 Legislative Intent and Purpose

This Legislature determines that the use of tobacco and vaping products (electronic aerosol delivery systems) can permanently damage developing adolescent brains as nicotine has been shown to change the way teen brains function, and adversely affecting the lungs, heart, kidneys and reproductive system, and has also been linked to increased feelings of depression, anxiety and stress among young people.

This Legislature further finds that vaping devices are now manufactured to look like highlighters, USB drives, ballpoint pens, smartphone cases and smartwatches to make electronic or e-cigarettes appear less harmful and more appealing to children and young adults.

This Legislature also determines that these predatory products are clearly targeted to minors and intentionally manufactured to look like school supplies or personal belongings to evade detection from administrators, teachers and parents.

Therefore, the purpose of this law is to prohibit all vaping products inclusive of vape pens disguised as everyday school supplies.

SECTION III. § 242-46 Authority

This article is enacted by the Albany County Legislature pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law § 10.

SECTION IV. § 242-47 Definitions

As used in this article, the following terms shall have the meanings indicated:

Department: as defined in Chapter 242 §242-20.

Commissioner: as defined in Chapter 242 §242-20.

Electronic Aerosol Delivery System: as defined in Chapter 242 §242-20.

Person: as defined in Chapter 242 §242-3

Sell: shall mean to sell, exchange, give or dispose of to another or offer to or agree to do the same.

SECTION V. §242-48 Restrictions on Sales

No person shall sell, offer for sale, or permit the sale to any person of any electronic aerosol delivery system (commonly referred to as vapor products or electronic cigarettes) that looks like or resembles school supplies or common personal items such as, but not limited to, highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches and/or backpacks within the County of Albany.

SECTION VI: §242-49 Violation and Penalties; Enforcement

- a. Any person who intentionally violates the provisions of this Chapter shall be guilty of an unclassified misdemeanor, punishable by a fine of up to \$500 for the first violation, and up to \$1,000 for each subsequent violation. Each violation shall constitute a spate and distinct offense.
- b. This chapter shall not be construed to exclude any other remedy provided by law for the protection of the health, safety and welfare of the people of Albany County.

SECTION VII. §242-50 Rules and Regulations

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

SECTION VIII. Severability

If any part or provision of this local law, or the application thereof to any individual or circumstance, is held invalid, the remainder of the local law shall not be affected thereby and shall continue in force and effect.

SECTION IX. SEQRA Compliance

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

SECTION X. § 270-54 Effective Date

This Local Law shall take effect on January 1, 2025 and its filing with the Secretary of State as required by §27 of the New York State Municipal Home Rule Law.

Referred to Law and Health Committees – 9/9/24