

This Legislature determines that the European Union has taken this approach a step further, mandating that similar graphic images be placed on every pack of cigarettes sold in the region.

This Legislature also finds that the U.S. Food and Drug Administration is currently in the process of selecting similar images to place on individual cigarette packs beginning in 2012.

This Legislature determines that the County of Suffolk should use images in a similar manner to discourage people from starting the use of tobacco products and encourage those that do use tobacco to quit.

This Legislature further finds that displaying images depicting the physical damage caused by tobacco use, at the point of sale, will better inform the public of the serious dangers associated with tobacco.

Therefore, the purpose of this law is to require the placement of public health messages depicting the negative effects of tobacco use near advertisements and displays where cigarettes and smokeless tobacco products are offered for sale in Suffolk County.

Section 2. Definitions.

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

“CIGARETTE” shall mean any roll of tobacco wrapped in paper or in any substance not containing tobacco and any roll of tobacco wrapped in any substance containing tobacco which is likely to be offered to or purchased by consumers as a cigarette. This definition shall include, but not be limited to cigarettes, cigars or bidis.

“COMMISSIONER” shall mean the Commissioner of the Department of Health Services.

“DEPARTMENT” shall mean the Department of Health Services.

“PERSON” shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

“PUBLIC HEALTH MESSAGE” shall mean a sign containing words and images which conveys important information about health issues to the public regarding the effects of smoking. For example: photos of lungs inflicted with cancer, emphysema and COPD; photos of damaged mouth tissue, tongues, gums and teeth; pre-surgical x-rays and photos and post-surgical photos; photos of pregnant women and the effects of smoking on their fetuses; photos of severely stained teeth, skin and fingers. Text on the sign shall be in a contrasting color from the background, in all capital letters and at least 3/4 inch in height.

“SMOKELESS TOBACCO PRODUCTS” shall mean any product containing tobacco which is either not intended to be smoked or is not immediately capable of being smoked upon purchase. This definition shall include chewing tobacco, powdered tobacco, blunt papers or wrappers, loose tobacco, tobacco mints or any other tobacco-based product.

Section 3. Requirements.

- A. Any person selling or offering for sale cigarettes shall post public health messages provided by the Department regarding the negative effects of using tobacco prominently at eye level within five feet from the location of cigarettes, cigarette advertisements or registers at which they will be sold.
- B. Any person selling or offering for sale smokeless tobacco products shall post public health messages provided by the Department regarding the negative effects of using tobacco prominently at eye level within five feet from the location of smokeless tobacco products, advertisements for such products or registers at which they will be sold.
- C. A minimum of one public health message containing photographic images depicting negative health consequences of tobacco use must be posted for every four advertisements or displays for cigarettes or smokeless tobacco product. In the event that there is at least one such advertisement or display, but fewer than four of same, there shall be a minimum of one public health message posted. In locations where both cigarettes and smokeless tobacco products are offered for sale, the signage requirements shall be based on the total number of advertisements or displays for all tobacco products.

Section 4. Enforcement.

- A. This law shall be enforced by the Department of Health Services in accordance with the procedures set forth in §760-202 through 760-215 of the Suffolk County Sanitary Code.
- B. All public health messages regarding the negative effects of using tobacco products shall be prepared, in English and Spanish, by the Department of Health Services. The Department of Health Services is hereby authorized and empowered to create public health messages which satisfy the public health message requirements established in this local law with the signage requirements established in Section 462-4 of the SUFFOLK COUNTY CODE, which prohibits the sale of tobacco to persons under nineteen.

Section 5. Penalties.

Violation of this law shall be punishable by a civil fine of two hundred fifty dollars (\$250.00) for a first offense. All subsequent violations shall be punishable by a civil fine of seven hundred fifty dollars (\$750.00).

Section 6. Rules and Regulations.

The Commissioner is hereby authorized and empowered to establish rules and regulations necessary for the implementation of this law.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: