

**RESOLUTION NO. 185 -2014, ADOPTING LOCAL LAW
NO. 11 -2014, A LOCAL LAW TO RAISE THE LEGAL AGE FOR
THE SALE OF TOBACCO PRODUCTS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 2, 2014, a proposed local law entitled, "**A LOCAL LAW TO RAISE THE LEGAL AGE FOR THE SALE OF TOBACCO PRODUCTS IN SUFFOLK COUNTY**;" now, therefore be it

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

LOCAL LAW NO. 11 -2014, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO RAISE THE LEGAL AGE FOR THE SALE OF
TOBACCO PRODUCTS 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 tobacco use continues to be a leading cause of preventable illness and death.

This Legislature also finds and determines that the County of Suffolk is a leader in the fight against the use of tobacco products by minors, having increased the legal age to purchase such products to 19 in 2004.

This Legislature finds that most smokers start using tobacco before they turn 21 years old.

This Legislature also finds that the developing adolescent brain is far more susceptible to addiction than a more fully developed adult brain.

This Legislature determines that most smokers transition from experimental use to regular tobacco use around the age of 20.

This Legislature also finds that statistics demonstrate that most cigarette purchases for minors are made by persons just over the legal smoking age. Therefore, raising the legal smoking age to 21 should limit the access persons 18 years of age and younger have to tobacco products.

This Legislature further finds that other municipalities, including New York City and the Town of Needham, Massachusetts have increased the legal sales age for the sale of tobacco products to 21. Needham's law has been in effect since 2005 and reduced youth smoking by 50 percent.

This Legislature also determines that the County of Suffolk should continue its efforts to discourage tobacco use by young people by increasing the legal smoking age.

Therefore, the purpose of this local law is to amend Chapter 792 of the SUFFOLK COUNTY CODE, to prohibit the sale of tobacco products to persons under the age of 21.

Section 2. Amendments.

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

Chapter 792. Tobacco Products
Article I. Sale to Persons Under Age [19] 21

§ 792-1. Legislative intent.

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- G. Therefore, the purpose of this article is to repeal Resolution No. 1214-2004 and to enact a new local law that will promote the long-term health of Suffolk residents and to strengthen Suffolk County tobacco control programs by prohibiting the sale of tobacco products to persons under the age of [19] 21.

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§ 792-3. Prohibitions: posting of sign; proof of age.

- A. Any person operating a place of business wherein tobacco products or herbal cigarettes are sold or offered for sale is prohibited from selling such products, herbal cigarettes, rolling papers or pipes to individuals under [19] 21 years of age, and shall post, in a conspicuous place, a sign upon which there shall be imprinted the following statement:

SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO,
OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR
PIPES TO PERSONS [19] 21 YEARS OF AGE IS PROHIBITED UNDER PENALTY OF
LAW.

- (1) Such sign shall be printed on a white card in red capital letters at least 3/4 inch in height.
- (2) Sale of tobacco products or herbal cigarettes in such places, other than by a vending machine, shall be made only to an individual who demonstrates, through a valid driver's license or nondriver's identification card issued by the Commissioner of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or a valid passport issued by the United States government or any other country, or an identification card issued by the Armed Forces of the United States, that the individual is at least [19] 21 years of age. Such identification need not be required of any individual who reasonably appears to be at least 27 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product or herbal cigarettes to an individual under [19] 21 years of age.
- B. No person operating a place of business wherein tobacco products or herbal cigarettes are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any tobacco product or herbal cigarettes in any manner, unless such products and

cigarettes are stored for sale behind a counter in an area accessible only to the personnel of such business, or in a locked container; provided, however, such restriction shall not apply to tobacco businesses and to places to which admission is restricted to persons [19] 21 years of age or older.

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§ 792-5. Penalties for offenses.

- A. Any person who violates any provision of this article shall be subject to the imposition of a civil penalty by the Commissioner of the Department of Health Services of a minimum of \$300, but not to exceed \$1,000, for a first violation, and a minimum of \$500, but not to exceed \$1,500, for each subsequent violation.
- B. For purposes of enforcing the ban on the sale of any tobacco products and/or herbal cigarettes to minors, other than by a vending machine, a sale of any tobacco products and/or herbal cigarettes shall be made only to an individual who demonstrates that he/she is at least [19] 21 years of age and has demonstrated such in accordance with the guidelines set forth hereinabove in § 792-3A(2). Such identification need not be required of any individual who reasonably appears to be at least 27 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of any tobacco product and/or herbal cigarette to an individual under [19] 21 years of age.

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Article II. E-Cigarettes

§ 792-7. Legislative intent.

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- P. Therefore, the purpose of this article is to ban the sale of e-cigarettes and like products in Suffolk County to persons under the age of [19] 21 and to prohibit the use of e-cigarettes and like products in public places where traditional forms of smoking are already disallowed.

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§ 792-9. Sale restrictions.

No person shall sell or offer for sale e-cigarettes or liquid nicotine within the County of Suffolk to persons under [19] 21 years of age.

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Section 3. Applicability.

This law shall apply to actions 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 January 1, 2015.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: March 18, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 14, 2014

After a public hearing duly held on April 1, 2014
Filed with the Secretary of State on April 24, 2014