



Legislation Text

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Int. No. 968

By Council Members Yeger, Ampry-Samuel, Holden, Adams, Cabrera, Cornegy and Salamanca

A Local Law to amend the administrative code of the city of New York, in relation to hookah paraphernalia advertisements

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-720 to read as follows:

§ 17-720 Requirements related to the advertisement of hookah paraphernalia. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Hookah paraphernalia. The term “hookah paraphernalia” means any hookah or water pipes, including any component, part, or accessory of such product.

Child day care center. The term “child day care center” means (i) any child care arrangement, public, private or parochial child care center, school-age child care program, day nursery school, kindergarten, play school or other similar school or service operating pursuant to authorization, license or permit of the city or state, (ii) any facility that provides child care services as defined in section four hundred ten-p of the New York state social services law, or (iii) any child day care center as defined in section three hundred ninety of the New York state social services law. The definition of “child day care center” applies whether or not care is given for compensation but does not include child day care centers located in private dwellings and multiple dwelling units.

School building. The term “school building” means any building or structure or any portion thereof, owned, occupied by, or under the custody or control of any public, private or parochial institution and lawfully

used for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

Youth center. The term “youth center” means any building or structure or portion thereof, lawfully occupied by any person for the primary purpose of operating a trade school (including those conducting after-school, vocational, remedial, tutorial, educational assistance programs) or an indoor recreational center (including recreational, cultural, physical fitness, or sports programs) for persons under the age of eighteen years.

Covered retailer. The term “covered retailer” means any retail establishment that sells hookah paraphernalia and is located within a certain distance, as determined by the commissioner pursuant to subdivision d of this section, of school buildings, child daycare centers, or youth centers.

Covered advertisement. The term “covered advertisement” means any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other written indicia of product identification identical or similar to, or identifiable with, those used for any brand of hookah paraphernalia, the purpose or effect of which is to promote the use or sale of hookah paraphernalia, that is visible from a public area.

b. The department shall conduct a study to review existing research linking advertising to youth smoking rates, and to assess the estimated number of retail establishments that would be impacted by a prohibition on covered advertisements, with models using various distances from school buildings, child daycare centers, and youth centers. The study will also examine the city-wide impact of prohibiting covered advertisements on youth smoking rates.

c. On or before April 1, 2019, the department shall submit a report to the council detailing the findings of the study conducted pursuant to subdivision b of this section.

d. Effective September 1, 2019, covered advertisements are prohibited within a certain distance, to be determined by rule, of school buildings, child daycare centers, and youth centers. Such distance shall be based

on the findings of the study conducted pursuant to subdivision b of this section.

§2. This local law takes effect 120 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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