

Intro. Res. No. 1730-2025

Laid on Table 9/3/2025

Introduced by Legislators Bontempi, Sanin, Caracappa, Kennedy, Lennon, Stark, and Deputy Presiding Officer Flotteron

RESOLUTION NO. 1109-2025, ADOPTING LOCAL LAW NO. 3-2026, A LOCAL LAW TO PROHIBIT THE STORAGE, NON-RETAIL SALE, DISTRIBUTION, SHIPPING AND RECEIVING OF BANNED FLAVORED LIQUID NICOTINE PRODUCTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 3, 2025, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE STORAGE, NON-RETAIL SALE, DISTRIBUTION, SHIPPING AND RECEIVING OF BANNED FLAVORED LIQUID NICOTINE PRODUCTS**"; now, therefore be it

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

LOCAL LAW NO. 3-2026, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT THE STORAGE, NON-RETAIL SALE, DISTRIBUTION, SHIPPING AND RECEIVING OF BANNED FLAVORED LIQUID NICOTINE PRODUCTS

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 the accessibility and presence of banned flavored liquid nicotine products in our communities is a public health concern worthy of ongoing scrutiny and action.

This Legislature determines that despite the State of New York banning most flavored liquid nicotine products, these products continue to flourish and remain popular, especially with younger consumers.

This Legislature hereby finds that New York State's current prohibitions have a loophole that arguably permits certain sales of otherwise banned flavored liquid nicotine products between businesses in the state.

This Legislature also finds that because of the supposed loophole in New York State's law, retail liquid nicotine businesses and retail tobacco businesses have a plausible explanation and justification for the presence of banned flavored liquid nicotine products on their retail premises, and that having such in close proximity to regular business activities is creating a situation that is ripe for illicit activity.

This Legislature also determines that prohibiting retail liquid nicotine businesses and retail tobacco businesses from engaging in the non-retail sale, distribution, shipping and receiving of banned flavored liquid nicotine between themselves or with any other business in Suffolk County would be beneficial to efforts aiming to curtail the pervasiveness of the products.

Therefore, the purpose of this local law is to prohibit the storage of banned flavored liquid nicotine products on the premises of retail liquid nicotine businesses and retail tobacco businesses, and to prohibit retail liquid nicotine businesses and retail tobacco businesses from engaging in the non-retail sale, distribution, shipping and receiving of such products between themselves or with any business within Suffolk County.

Section 2. Amendments.

Article II of Chapter 792 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

* * * *

§792-7. Legislative intent.

O. This Legislature also determines that protecting Suffolk County residents against these harmful and addictive nicotine products with clear deceptive or camouflaged e-cigarette packaging represents sound public health and fiscal policy.

P. This Legislature also finds that retail liquid nicotine businesses and retail tobacco businesses are taking advantage of arguable loopholes in the current New York State law that has banned certain flavored liquid nicotine products. Some of these businesses are storing these banned liquid nicotine products on the premises of their retail establishments, ostensibly to sell or distribute to other businesses, thus creating a situation ripe for illicit activity.

[P]Q. 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 21 and the sale of e-cigarettes or other high-tech smoking devices or ENDS products that look like or resemble school supplies such as highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches and backpacks to persons of any age within Suffolk County and further to prohibit the use of e-cigarettes and like products in public places where traditional forms of smoking are already disallowed, and further to prohibit the storage of banned flavored liquid nicotine products on the premises of retail liquid nicotine businesses and retail tobacco businesses, and to prohibit retail liquid nicotine businesses and retail tobacco businesses from engaging in the non-retail sale, distribution, shipping and receiving of such products between themselves or with any business within Suffolk County.

§ 792-8. Definitions.

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LIQUID NICOTINE — Any liquid product, including flavored liquid product, composed either in whole or part of pure nicotine and prop[r]ylene glycol and manufactured for use with e-cigarettes.

NON-RETAIL SALE — Any sale or related activity (e.g., shipping or distribution) that is not between a business and the end consumer.

* * * *

RETAIL LIQUID NICOTINE BUSINESS — A person or sole proprietorship, limited liability company, corporation, partnership or other enterprise that engages in the retail sale of liquid nicotine products and accessories.

RETAIL TOBACCO BUSINESS — A person or sole proprietorship, limited liability company, corporation, partnership or other enterprise [in which the primary activity is] that engages in the retail sale of tobacco products and accessories [and in which the sale of other products is merely incidental].

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§ 792-9. Sale and storage restrictions.

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- B. No [person or] retail tobacco business or retail liquid nicotine business shall sell, permit the sale or offer for sale to any person e-cigarettes or other high-tech smoking devices or ENDS products within the County of Suffolk that look like or resemble school supplies or common personal items such as but not limited to highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches and backpacks to persons of any age.

- C. No retail liquid nicotine business or retail tobacco business shall intentionally receive or store any flavored liquid nicotine products that are currently banned under NEW YORK PUBLIC HEALTH LAW § 1399-mm-1, or as maybe amended in the future, if offered for retail sale in this state, anywhere on or in the premises of such retail establishments, nor shall any retail liquid nicotine business or retail tobacco business sell, distribute or ship such products to any business within Suffolk County.

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Section 3. Applicability.

This law shall apply to all 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)(26), (27) and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 immediately upon its filing in the Office of the Secretary of State.

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

DATED: December 16, 2025

APPROVED BY:

/s/ Edward P. Romaine
County Executive of Suffolk County

Date: December 30, 2025

After a public hearing duly held on December 30, 2025
Filed with the Secretary of State on January 23, 2026