

AMENDED COPY AS OF 9/17/2020

Intro. Res. No. 1654-2020
Introduced by Legislator Gonzalez

Laid on Table 9/9/2020

**RESOLUTION NO. -2020, ADOPTING LOCAL LAW
NO. -2020, A LOCAL LAW TO INCREASE THE LEGAL
SMOKING AGE TO 25 IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2020, a proposed local law entitled, "**A LOCAL LAW TO INCREASE THE LEGAL SMOKING AGE TO 25 IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2020, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO INCREASE THE LEGAL SMOKING AGE TO 25
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 Local Law No. 11-2014 increased the legal smoking age from 19 to 21 in Suffolk County.

This Legislature also finds and determines that studies show that smoking is detrimental to an individual's health and can cause many health issues, including, but not limited to: cancers of the lungs, kidneys, head and neck; lung diseases such as chronic obstructive pulmonary disease and emphysema; and increased risk for heart attack and stroke.

This Legislature determines that scientific studies also show that the rational part of the human brain is not fully developed until the age of 25.

This Legislature further finds and determines that the smoking age should be increased in order to protect Suffolk County's young people from making such a significant decision until such time as their brains are fully developed.

Therefore, the purpose of this law is to amend Chapter 792 of the SUFFOLK COUNTY CODE to increase the smoking age to 25.

Section 2. Amendments.

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

Chapter 792: Sale to Persons Under Age [21] 25

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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 [21] 25 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 UNDER [21] 25 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 [21] 25 years of age. Such identification need not be required of any individual who reasonably appears to be at least [27] 30 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 [21] 25 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 [21] 25 years of age or older.

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§ 792-5. Penalties for offenses.

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- 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 [21] 25 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] 30 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 [21] 25 years of age.

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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 [21] 25 years of age.

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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:

APPROVED BY:

County Executive of Suffolk County

Date: