

Introduced by: Legislator James Kennedy

LOCAL LAW 6 -2021

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO PROHIBITING THE SALE OF ELECTRONIC AEROSOL DELIVERY SYSTEMS OR COMPONENTS OR PARTS WITHIN 1,000 LINEAR FEET OF A SCHOOL, PUBLIC PARK OR PLAYGROUND

Passed by the Nassau County Legislature on April 26, 2021

Voting: ayes: 19, nays: 0

Became a law on April 30, 2021 with the approval of the County Executive

APPROVED AS TO FORM
[Signature]
Deputy Majority Counsel

WHEREAS, there are well-documented dangers posed to children from vaping and the use of e-cigarettes; and

WHEREAS, there is a manifest and overriding public interest in keeping vaping or e-cigarette products away from places where children are most likely to congregate; and

WHEREAS, this Legislature wishes to prohibit business establishments from selling electronic aerosol delivery systems and components or parts 1,000 linear feet from a school, public park or playground; now, therefore

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

Section 1. Paragraph E. is added to § 9-25.3 of the Nassau County Administrative Code as follows:

E. No business establishment in Nassau County shall sell at retail any electronic aerosol delivery system or component or part if any part of the building in which the business is situated shall be located less than 1,000 linear feet from any property improved with a school for children who are less than 21 years of age, or from any public park or playground. All business establishments which are currently offering at retail any electronic aerosol delivery system or component or part thereof and are located within 1,000 linear feet of a school, park or playground shall fully cease and desist from doing so upon a date not later than October 1, 2021, or else they shall be committing a prohibited act in violation of this section.

§2. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individuals, 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.

§ 3. SEQRA Determination. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section

617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4. Effective Date

This Local Law shall take effect immediately.

APPROVED



County Executive

Date 4-30-21