

A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored vapor products in Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 535 of the Laws of Westchester County is hereby amended to include a new Section 535.21-b, to read as follows:

Sec. 535.21-b. Presumption Related to the New York State Ban on the Sale of Flavored Vapor Products

1. There shall be a rebuttable presumption that a vapor products dealer, as defined in Section 1399-aa(18) of the New York State Public Health Law, in possession of four (4) or more flavored vapor products, as defined by Section 1399-mm-1(1) of the New York State Public Health Law, in or on the premises of a tobacco business or retail establishment possesses those products to sell, offer for sale, or transfer to persons flavored vapor products in violation of Section 1399-mm-1.

2. Any vapor products dealer charged with a violation of Section 1399-mm-1 of the New York State Public Health Law may overcome the presumption in subdivision 1 of this section by establishing based upon a preponderance of the evidence that said vapor products are for sale or offered for sale solely to consumers on-line and residing in other states and jurisdictions where their sale is not prohibited.

Section 2. Effective Date. This Local Law shall take effect immediately.