

LOCAL LAW INTRO. NO. 4 - 2000

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to prohibiting the sale of herbal cigarettes to minors.

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

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 529 to read as follows:

Chapter 529

HERBAL CIGARETTE SALE LAW

- §529.01. Definition.
- §529.11. Sale to minors prohibited.
- §529.21. Duty to post.
- §529.31. Penalties.
- §529.41. Severability.

§529.01. Definition.

For the purposes of this Chapter, "herbal cigarette" shall mean any roll of cut herbs, including but limited to the substances commonly known as ginseng, jasmine and catnip, intended to be smoked and enclosed in a paper wrapper.

§529.11. Sale to minors prohibited.

No person, firm or corporation within Westchester County shall sell to a consumer under the age of eighteen (18) years any herbal cigarette.

§529.21. Duty to post.

Any person, firm or corporation within Westchester County engaged in the sale of herbal cigarettes shall conspicuously post at the point of sale a notice stating as follows: "The sale of herbal cigarettes to persons under the age of eighteen (18) years is prohibited pursuant to Chapter 529 of the Laws of Westchester County." The lettering in this notice shall be of seventy-two (72) point boldface type, except that the same shall be preceded by the caption "Notice" in at least two (2) inch lettering. The provisions of this Section shall be enforced by the Westchester County Sealer of Weights and Measures.

§529.31. Penalties.

1. A first infraction of the provisions of Section 529.11 of this Chapter shall be a violation punishable by a fine of up to fifty dollars (\$50.00). A second or subsequent infraction of Section 529.11 of this Chapter shall be a violation punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars

(\$100.00) or imprisonment of up to fifteen (15) days or both such fine and imprisonment.

2. An infraction of Section 529.21 of this Chapter shall be punishable by a civil penalty not exceeding one hundred fifty dollars (\$150.00) to be imposed pursuant to the procedures set forth in Article VIII of Chapter 277 of the Laws of Westchester County.

§529.41. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Chapter 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 Chapter, 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.

§2. This Local Law shall take effect immediately.