



New York State YMCA
Youth And Government

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate Liberty 4

Bill #:SL-26

1 **Sponsors:** Jason Boucher, Sam Costantini, P.J. Gallagher

2

3 **An Act To** Amend the New York State Public Health Law §1399-o to add Subsection
4 7 to establish a ban on disposable flavored vape containers in New York State.

5 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

6

7 **Purpose** This legislation will establish a ban on disposable flavored vape containers
8 in New York State with the intent of limiting the use of flavored vape products in
9 the State and limiting waste from entering the waste stream.

10

11 **Summary of Provisions**

12 **Section 1**

13 **Vape:** an electronic cigarette or similar device containing the aerosol, often referred
14 to as vapor.

15 **Disposable flavored vape container:** a disposable electronic cigarette that is in a
16 format ready to be used for the purpose of inhalation of flavored vape liquid which
17 is intended to be discarded once the vapor product it holds is fully or partially
18 consumed or the electronic charge it holds is fully exhausted.

19

20 **Section 2**

21 New York State Public Health Law §1399-o

22 **7: Disposable flavored vape containers shall be prohibited for sale and use within**
23 **the State. A violation of this section shall result in a fine of \$250.00 per occurrence**
24 **levied upon the store selling these products.**

25

26

27 **Justification**

28 Lung disease traced to vaping has sickened more than 2,100 and has kill more than
29 42 people, including residents of New York State. More than 26% of high school
30 students currently use e-cigarettes, according to the Centers for Disease Control
31 and Prevention. In New York City alone, city officials have found an alarming trend
32 among children as young as 11, according to City Health Commissioner Dr. Oxiris
33 Barbot. About 13,000, or 1 in 15, middle-school students in New York City reported
34 that they currently use electronic cigarettes. The numbers rose considerably by
35 grade with 2.6% of sixth graders saying they use e-cigarettes versus 8.4% of
36 eighth-graders. Many young people are drawn to the fruity, minty, candy-like
37 flavors of e-cigarettes which were clearly designed to appeal to young people.

38 Limiting access to and use of vape products by youth in New York State is vital to



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39 the protection and health of our youth. Matthew Myers, president of the Campaign
40 for Tobacco-Free Kids, said in a statement Tuesday. "Flavored products have long
41 been a favorite tobacco industry strategy for targeting kids. In addition to e-
42 cigarettes, more than half of youth smokers smoke menthol cigarettes." A 2018
43 study from the National Academies Press (NAP) found significant evidence that
44 taking a puff from a nicotine e-cigarette triggers an increase in heart rate and blood
45 pressure which could affect heart health over the long term. A 2019 study reported
46 in the American Journal of Medicine found that e-cigarette use was associated with
47 an increased risk of stroke, heart attack, angina, and heart disease. Bans alone
48 have not worked to address youth vaping issues. Therefore, placing a ban on
49 disposable devices used to deliver the vaping liquid is a step towards limiting the
50 presence of vaping devices targeted to youth in New York State. By limiting the
51 delivery method used by companies such as Juul, the ability to dispense vape in
52 New York State will be severely limited. These companies will feel the negative
53 economic impact of a ban on their products. Additionally, removing the presence of
54 disposable vape devices from New York State will limit their presence in the waste
55 stream, benefitting New York State's environment. New York State must
56 demonstrate its leadership in bringing an end to this public health crisis and a ban
57 on disposable flavored vape containers in New York State with the intent of limiting
58 the use of flavored vape products in the State and limiting waste from the waste
59 stream is an important first step.

60

61 **Fiscal Implications**

62 Regulations relating to the sale and distribution of tobacco and nicotine products
63 are already in place and this bill requires regulation in the same
64 fashion. Accordingly, there are no known negative fiscal implications to the State
65 as regulators will enforce this ban as it does existing laws related to tobacco and
66 nicotine. The State will be the beneficiary of any fines related to violations.

67

68 **Environmental Implications**

69 Banning the sale and distribution of disposable flavored vape containers will
70 severely limit the number of plastic items entering the waste stream contributing to
71 pollution of water and air in New York State. Residents will enjoy a better
72 environment with cleaner water and air. This bill will also serve to limit access by
73 youth to flavored vape distributed in disposable plastic containers with a view
74 towards improving their health.

75 **Effective Date**

76 The law will go into effect July 1, 2020.