



**County
Health Officials
of New York**

Leading the way to healthier communities

SUPPORTS

A4377-A/S2542-A (Rosenthal/Hannon)

AN ACT to amend the tax law, in relation to the registration of vendors of electronic cigarettes

The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation which requires vendors of electronic cigarettes to register with the state department of taxation and finance if they are not otherwise registered to sell tobacco products.

Electronic cigarettes are battery-operated products designed to supply nicotine, flavor and other chemicals through a vapor inhaled by the user. The majority of electronic cigarettes are manufactured to resemble cigarettes, cigars and pipes, often with an LED light at the tip that mimics the glow of a traditional cigarette.

A 2009 FDA study of electronic cigarettes found that some contain toxins and carcinogens, including diethylene glycol, a chemical found in anti-freeze. The presence of these toxins makes exposure to vapor a potentially harmful risk for both smokers and non-smokers. Further research has also shown that e-cigarettes often serve as an entry device for minors initiating use of tobacco products, subsequently leading to smoking of cigarettes. E-cigarettes are offered in flavors designed to appeal to youth and are marketed as “safe” alternatives to cigarette use. By necessity, the tobacco industry must recruit “replacement smokers”, primarily youth, to use these highly addictive products and replace those smokers who quit or die. NYSACHO believes that policy makers have a responsibility to continue to protect youth from tobacco marketing through close monitoring for violations of the Adolescent Tobacco Use Prevention Act (ATUPA) and related statutes. Legislators also must protect non-smokers from exposure to e-cigarettes, in the absence of appropriate clinical studies that identify and quantify health risks.

In 2012, New York State recognized the public health threat of e-cigarettes and banned the sale to minors. Since that ban was enacted, enforcement has proven difficult, because e-cigarettes were not included in the definition of a tobacco product. Vendors, therefore, were not required to register with the Department of Taxation and Finance. E-cigarettes are now defined as tobacco products under section 1399-aa of the Public Health Law, but vendors who exclusively sell e-cigarette products are still not required to register under current law. This makes it difficult to establish where e-cigarette products are sold. Lack of adequate information regarding sale locations is an obstacle to enforcement by both the state and local health departments of public health laws related to the sale of e-cigarette products. This legislation will ensure local health departments are aware of all retailers selling electronic cigarettes, and thus enable them to fully enforce existing public health laws designed to protect children from exposure to these harmful products.

For the above-stated reasons, NYSACHO supports this legislation and urges that it be enacted into law.

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