



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

New York State Association of Counties

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## **Memorandum in Support**

### **S.8531 (Hoylman-Sigal)/A.9110 (Rosenthal)**

*AN ACT to amend the public health law and the tax law, in relation to prohibiting the storage of flavored vapor products near where vapor or tobacco products are sold at retail or wholesale*

The New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and supports the enactment of this bill into law.

This legislation amends the Public Health Law and the Tax Law to address challenges in enforcing the state's ban on the sale of flavored vapor products.

New York State included legislation in the 2020-21 State Budget to curb the epidemic of e-cigarette use among youth by banning the sale of flavored products. However, the current statutory language includes loopholes that prevent the effective enforcement of the law and allow continued access to and promotion of these products. Out of the six states that have comprehensive e-cigarette flavor policies, New York has the highest continued retail availability of prohibited products. Moreover, local health department staff responsible for enforcing this statute report increased non-compliance among some retailers, persistent bad actors, and staff safety concerns during enforcement visits.

This legislation includes a comprehensive set of amendments to strengthen enforcement mechanisms and close statutory loopholes that undermine the efficacy of the 2020 ban on flavored e-cigarette products. The amendments would prohibit retailers from keeping flavored products in their inventory or otherwise distributing them and allow fines to be imposed for impeding an official's ability to conduct their inspection. Additionally, the legislation would prohibit the sale of products that use additives to create a cooling, anesthetic sensation for the user that mimics methanol.

NYSAC supports this legislation to empower local health departments to enforce the state's ban on the sale of flavored vapor products and urges its enactment as part of the 2024-25 State Budget.

It is for the abovementioned reasons that NYSAC supports the enactment of this legislation.

*The New York State Association of Counties is a bipartisan municipal association serving all the counties of New York. Organized in 1925, NYSAC's mission is to represent, educate, advocate for and serve our member counties and the elected and appointed county officials who serve the public. For more information, visit [www.nysac.org](http://www.nysac.org).*

TO: Senator Sponsor; Assembly Sponsor; Senate Majority Leader; Assembly Speaker