

Memorandum of SUPPORT

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

Prohibits the keeping of inventory, storage, warehouse, processing, packaging, shipping or distributing of flavored vapor products near where vapor or tobacco products are sold at retail or wholesale.

The New York State School Boards Association *supports* the above referenced legislation and urges its immediate enactment.

If enacted, this bill would eliminate current loopholes in New York’s flavored e-cigarette law, allowing for enforcement against manufacturers and dealers who harm the health of our youth. Specifically, the bill would:

- Eliminate the FDA “Pre-Market Tobacco Product Authorization” Exemption to clarify which flavored products are not legal.
- Ensure that cooling sensation products, which create an anesthetic effect for the user, are prohibited in New York State.
- Require licensed tobacco retailers to make their premises available to inspectors.
- Strengthen local health departments’ enforcement abilities against unauthorized sales of flavored e-cigarette products.

Nearly a fourth of high schoolers in New York use electronic cigarettes containing highly addictive nicotine and almost all kids who use tobacco products today are using flavored products. It is time to effectively enforce the flavored e-cigarette ban and put an end to the continued availability and promotion of these products in New York.

NYSSBA supported legislation passed in 2020 aimed at protecting young people from addictive tobacco and vaping products. Since then, however, loopholes that enable retailers to continue marketing these dangerous products have become apparent. NYSSBA encourages state leaders to eliminate ambiguity in the law, ban additives that mimic menthol and strengthen enforcement and penalties for those who engage in unauthorized tobacco and e-cigarette sales.

Therefore, NYSSBA *supports* the above referenced legislation and urges your approval. For additional information, please contact NYSSBA Governmental Relations at 518-783-0200.