



**March 1, 2024**

**RE: MEMORANDUM IN SUPPORT**

**Closing Enforcement Loopholes to Help End the Youth E-cigarette Epidemic in New York**

Founded by three New York moms in 2018, [Parents Against Vaping](http://www.parentsagainstvaping.org) is a volunteer-based nonprofit that works both nationally and here in New York. We fight to protect youth from vaping and tobacco use and the predatory behavior of these industries. Parents Against Vaping strongly supports S.8531, Hoylman-Sigal/A.9110, Rosenthal that would eliminate loopholes in New York's flavored e-cigarette law. This is particularly important to New York parents—we refuse to allow our kids to become a generation of nicotine addicts and lifetime tobacco users.

Flavors have historically been used by tobacco manufacturers to target youth and initiate them into use of its harmful products. And it's a marketing ploy that, unfortunately, still works: nearly a fourth of New York high schoolers use electronic cigarettes containing highly addictive nicotine and almost all of them are using flavors, despite the fact that these very products were outlawed back in 2019. It is imperative that we effectively enforce the flavored e-cigarette laws and put an end to the continued easy availability and promotion of these flavored products across this great state.

In 2019, New York enacted landmark legislation to end the sale of flavored e-cigarette products. However, language was included to allow any product that receives a "Pre-Market Tobacco Product Authorization" from the FDA to be sold in New York. While none have been authorized, this has led to confusion on which products may be sold. In fact, out of the six states that have comprehensive flavored e-cigarette policies, New York is the only with this exemption and continues to have the highest retail availability of prohibited products.

Furthermore, vague language and several other loopholes in the existing law have made it possible for retailers to deny retail inspections of their premises, keep flavored e-cigarettes in stock in their retail establishments, and allow distributors to sell and ship these products to stores within the State. Our own grassroots surveillance initiative, Parents Opposing Illegal Sales of Nicotine (POISON), implemented in NYC in coordination with the Department of Health, highlighted an enormous lack of enforcement—we reported hundreds of unlicensed retailers selling illegal flavored vapes, often to youth. S.8531/A.9110 would close these loopholes and provide local health departments with more enforcement abilities against unauthorized sales.

The 2023 [National Youth Tobacco Survey](#) found that 2.1 million middle and high schoolers are vaping on a regular basis with a rise in use among middle schoolers. Effective enforcement of New York's law is critical to ending the tobacco and vape industries exploitation of our youth with these highly addictive products. Closing loopholes in the existing law will also provide local public health officials, schools, parents, and many others with support urgently needed for responding to the current e-cigarette crisis and the challenges that these products create.

It is up to all of us to prevent our children and loved ones from being preyed upon by the tobacco and vaping industries and being exploited for profit. This legislation would help us take a huge step toward decreasing tobacco initiation and youth use and would save lives across New York for generations to come. Parents Against Vaping strongly supports S.8531, Hoylman-Sigal/ A.9110, Rosenthal and urges its swift passage and inclusion in one-house budget bills. Thank you.

Sincerely,

Dorian Fuhrman and Meredith Berkman  
Co Founders, Parents Against Vaping [www.parentsagainstvaping.org](http://www.parentsagainstvaping.org)