

African American Tobacco Control Leadership Council  
American Lung Association  
American Nurses Association - New York  
Campaign for Tobacco-Free Kids  
New York Chapter American College of Physicians Services  
New York Public Interest Research Group  
Parents Against Vaping (PAVe)  
Roswell Park Comprehensive Cancer Center  
Stan Martin Consulting, LLC

**JOINT MEMO IN OPPOSITION**  
**A.5911 (Eachus)/ S.4913 (Comrie)**

**The above-listed organizations strongly oppose legislation A.5911 (Eachus)/ S.4913 (Comrie) that would reverse New York’s historic tobacco use prevention efforts by allowing the sale of flavored vapor products in New York State (NYS).**

In the final 2020-21 budget, NYS passed landmark legislation to ban flavored vaping products and address the youth e-cigarette epidemic. This bill would repeal this ban and enable “adult-only stores” to sell flavored e-cigarettes – **this is highly irresponsible considering [nearly one quarter of high schoolers in New York are vaping](#) and tobacco product use among New York high school students is [the highest it has been since 2014 \(21.1%\)](#)** due to e-cigarettes and new products such as oral nicotine pouches. The youth e-cigarette epidemic is not solved and prevention efforts and strong policies must be upheld as the industry continues to find new products and new ways to get youth addicted to nicotine.

While some adults may try to utilize e-cigarettes to quit using other tobacco products, surveys and studies show that youth will be able to gain access to flavored e-cigarettes; adult-only stores simply will not work. An undercover operation in California found that [half of tobacco and vape shops fail to check identification](#) to verify age and another survey showed that the [two most common ways that youth acquire e-cigarettes](#) is by utilizing older peers to avoid age restrictions and by purchasing them themselves at vape shops. The [2022 New York Youth Tobacco Survey](#) also found that [almost half of youth](#) who vaped in a given month reported that they shared someone else’s e-cigarette. Further, small, independent, and local retailers are often [noncompliant with age of tobacco purchase regulations](#) or ignore them entirely and **this legislation provides no mechanism to ensure enforcement of sales only to adults.**

Given vape manufacturers, distributors, and retailers already disregard state and federal laws, as shown by the [NYS Attorney General’s recent lawsuit](#) filed in February against these companies, we cannot entrust them to again manufacture or sell flavored vapor products in New York. Investigations by the Office of the Attorney general show that these companies continue to market these dessert- and fruit-flavored nicotine products to underage consumers, mislead customers about the safety and legality of their products, illegally ship products to New York, and violate health regulations designed to curb youth vaping.

It is also critical to note that there is insufficient research on associations of vaping with tobacco cessation – and a [national study](#) just published in March of 2025 by UC San Diego found that e-cigarette use does not increase smoking cessation and is actually associated with reduced tobacco abstinence. Additionally, e-cigarettes today are stronger than ever and can contain as much or more nicotine as 200 cigarettes. With no long-term research on the consequences of e-cigarettes and [mounting evidence](#) of the

serious health risks they pose to young people, it is essential that NYS upholds the ban on flavored e-cigarettes to prevent young people from a lifetime of nicotine addiction.

**We strongly oppose this legislation and urge that it be defeated to keep New York's ban on flavored e-cigarettes intact and continue to protect young people from the serious health risks of e-cigarettes.**