

MEMORANDUM IN SUPPORT

S8531/A9110 (Senator Hoylman-Sigal, Assemblymember Rosenthal)

American Nurses Association - NY (ANA-NY) supports S8531/A9110, which would prohibit the storage of flavored vapor products where tobacco and vape products are sold at retail or wholesale. This bill would close loopholes in the State law restricting the sale of flavored e-cigarettes to ensure compliance.

According to the 2022 National Youth Tobacco Survey, more than 2.5 million kids across the country are using tobacco products. 85% of high school and 81% of middle school students use flavored products with fruit, candy/desserts/other sweets, mint, and menthol reported as the most popular flavors. Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. If New York is to ever succeed in ending the cycle of addiction to tobacco, it is imperative that we stop enabling the tobacco companies to take advantage of our children and end the sale of all flavored tobacco products.

Currently, New York law prohibits tobacco and e-cigarette retailers from selling flavored e-cigarettes. However, these illegal products may still be stored at the retail shops where legal e-cigarettes are sold. Some retailers are selling these flavored e-cigarettes to customers in violation of the law. Further, enforcement of this law is left to local health departments, who are often barred by retailers from accessing all areas of the store during an inspection. By impeding local health departments' ability to confirm compliance, bad actors have been able to continue to sell flavored e-cigarettes.

This legislation would close this loophole. Retailers would be prohibited from keeping flavored products in their inventory or within the premises of a retail establishment, and fines would be imposed for impeding an official's ability to conduct an investigation of a retail establishment.

This legislation takes a huge step toward decreasing tobacco initiation and use by youth, and with it, saving lives across New York for generations to come. We strongly support banning the storage of flavored e-cigarettes at retail establishments where tobacco products are sold. It is up to us to prevent our children and loved ones from being preyed upon by the tobacco industry and being exploited for profit.

For these reasons, American Nurses Association – NY (ANA-NY) strongly supports S8531/A9910.