



**New York State Office of the Attorney General
Letitia James**

Submitted to the

New York State Senate Standing Committee on Consumer Protection

New York State Senate Standing Committee on Health

New York State Senate Standing Committee on Education

Chairs: Senator Kevin Thomas, Senator Gustavo Rivera, and Senator Shelley Mayer

**Public Hearing to investigate the safety and potential harms of electronic cigarettes and
vaping, especially among school-aged youth**

November 4, 2019

New York State is currently facing a youth e-cigarette epidemic. There has been a dramatic increase in the use of e-cigarettes among high schoolers in New York from 2014-2018. More than one in four high-school students across the state reported using e-cigarettes in a 2018 survey. This crisis runs the risk of undoing decades of public-health advocacy that dramatically reduced the incidence of teen smoking.

The recent outbreak of mysterious vaping-related illnesses across the country has also created a sense of urgency around regulating these products. According to the CDC, 1,888 cases of pulmonary illness associated with e-cigarette or vaping product use have been reported. One-hundred and fifty six of those cases were in New York State, with the youngest reported case being a 14-year-old. A 17-year-old in the Bronx recently became the youngest vaping-related fatality in the country.

My office is deeply concerned about the impact of e-cigarettes and vaping on our children, which may not be fully understood for years. E-cigarette products are particularly harmful because of their ability to deliver comparable or higher amounts of nicotine compared to conventional cigarettes. This is particularly concerning for adolescents and young adults because early exposure to nicotine increases the severity of future nicotine dependence.

Even infrequent nicotine use may put an adolescent at risk for dependence because their brains are prone to nicotine addiction at much lower concentrations than adults. Research indicates that

nicotine consumption can result in various side-effects ranging from lightheadedness, dizziness, headaches, and sleep disruption. E-cigarette use may also increase the likelihood teens will develop an addiction to traditional cigarettes or, potentially, other drugs.

My office has heard from educators and parents of children who are so heavily dependent on e-cigarettes that it has severely impacted their health, their education, and their wellbeing. We have also heard about the effect of the e-cigarette epidemic on teens who choose not to vape, who are sometimes subjected to bullying and peer pressure in addition to the pervasive presence of e-cigarettes in their schools. A recent Politico article highlighted the concerns of teenagers in New York City about vaping in their schools and the lack of resources and education to address this issue. School administrators have also expressed concern to our office about the problems they are seeing with vaping in schools, and the financial cost they have incurred in diverting resources and funds from academic and other programs to use for intervention, prevention, and discipline.

My office is currently in court defending an emergency rule that bans the sale of flavored e-cigarettes and nicotine liquids promulgated by the Public Health and Health Planning Council, with the approval of the Commissioner of the New York State Department of Health (*Vapor Technology Assn. v. Cuomo*, Albany County Index No. 906514-19). This action represents only one avenue to fight against e-cigarette manufacturers and distributors at the state level. We believe that more can, and should, be done by the legislature to protect New Yorkers against the risks of e-cigarettes. At the federal level, regulators are allowing these companies to continue to operate until May 2020 before they must submit their products for public health review to the Food and Drug Administration in order to remain on the market.

State action is critical as the teen e-cigarette epidemic shows no sign of abating, especially given the ease with which teens can buy these products online. The City of New York recently filed suit against 22 online retailers of e-cigarette products after they were found to have faulty or non-existent age-verification systems that allowed unlawful sales to individuals under the age of 21. New York State should do more to curb access to these products and take swift action to address this issue and provide the necessary resources to combat teen addiction.

I am supportive of state legislation that would increase oversight and establish limitations on this industry, including a ban on mint, menthol, and all other flavored products, as well as efforts to provide resources for education, intervention, and treatment. My office looks forward to collaborating with and supporting the state legislature and the Executive Branch in combatting the harms unleashed by e-cigarette companies, especially on our young people.