



NEW YORK STATE SENATOR

Monica R. Martinez

## New York State Senate Takes Step to Vaporize Youth Vaping

MONICA R. MARTINEZ May 30, 2024

| ISSUE: **YOUTH VAPING, UNDERAGE NICOTINE USE, VAPING, E-CIGARETTES**



Senator Martinez's ban of e-cigarettes disguised as school supplies approved by state Senate

The New York State Senate has voted to ban the sale of vaping products that resemble school supplies or toys, or that use packaging and advertising with the intent of targeting children. The **restriction**, sponsored by state Senator Monica R. Martinez, is intended to reduce electronic cigarette use among adolescents and teens. If enacted, violators face a civil penalty of up to one thousand five hundred dollars for a first violation and two thousand five hundred dollars for each subsequent violation.

“It's time to clear the air of underage vaping in New York and the Senate's approval get us one step closer to making that a reality,” said Senator Martinez. “These devices and their marketing are deliberately designed to entice children. For the protection of our state's most vulnerable population, it's time for this to end.”

Under the bill, businesses selling tobacco and related products would be prohibited from offering items designed to look like school supplies or children's toys, or packaged in a way to entice minors. These restricted products may include pictures, logos, symbols, mottos, selling messages, or colors that specifically appeal to minors, as well as representations of cartoon, movie, or video game characters, toys, electronic devices, and school supplies, including markers, highlighters, ballpoint pens, and thumb drives.

The bipartisan legislation cosponsored by nine members of the state Senate must still be approved by the Assembly and signed by the governor before going into effect. A companion version of the proposal sponsored by Assemblyman Charles Fall is pending in that chamber.

With 18.7% of New York high school students **reporting** using electronic cigarettes, the state Senate's vote is an important step toward reducing the consequences of vaping among adolescents. These impacts can include physical impairments for users and can lead to lifelong addiction. Nicotine, the substance found in over 95% of the e-cigarettes sold in the United States, has also been linked to effects on brain development, impulse control, mood, attention, and learning in children.

According to data released by the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) in their **2023 National Youth Tobacco Survey**, e-cigarettes were the most popular product among those under the legal age of use for the tenth year in a row. The report also found that, “Although a decrease in e-cigarette use was observed among high school students, there was an increase in current overall tobacco

product use among middle school students."

In March, when Senator Martinez unveiled this proposal, several spoke in favor of the legislation including:

**Dr. Jeff Kaczorowski**, Chair of the New York State American Academy of Pediatrics who said, "The NYS American Academy of Pediatrics supports banning vaping products being disguised as toys and school supplies. Targeting children with products that can make them sick or kill them is despicable and must be prevented. Thank you to Senator Martinez and the Co-sponsors of this legislation."

**Robert Schneider**, executive director of the New York State School Boards Association, who said, "E-cigarettes and other vaping products present a serious health danger by introducing students to addictive nicotine products at a young age. While schools work hard to discourage vaping, a proliferation of vape devices disguised as toys and school supplies can thwart these efforts."

New York State United Teachers (NYSUT) President **Melinda Person** who said, "Educators know that young brains form lifelong habits more easily, and we work every day to teach kids the kind of routines that promote long, healthy and whole lives. The shameful practice of marketing unhealthy products to kids — especially under innocuous guises like toys or school supplies — should be prohibited."

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#### RELATED LEGISLATION

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**2023-S7882**

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Prohibits the sale of vape products that resemble school supplies

January 03, 2024

In Assembly Committee

Sponsored by **Monica R. Martinez**

Do you support this bill?