

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN SUPPORT**

**PASSED ASSEMBLY**

**A.516 (ROSENTHAL)**

**ON SENATE CALENDAR**

**S.2543 (HANNON)**

**AN ACT to amend the public health law, in relation to including electronic cigarettes within provisions regulating smoking in certain public areas**

This measure would amend the public health law to include, in the definition of smoking, the use of electronic cigarettes or e-cigarettes. It would place the same restrictions on e-cigarettes that already exist on tobacco products under the Clean Indoor Air Act. **The Medical Society of the State of New York strongly supports this bill.**

Electronic cigarettes, commonly known as e-cigarettes, are electronic devices that deliver nicotine to the user. They heat up liquid nicotine and emit water vapor together with various chemicals, of which there is very little known. People are being placed at risk because of the lack of information regarding the chemical makeup of liquid nicotine or the risk to individuals from inhaling the water vapor either directly or through secondhand exposure. Testing done by the FDA shows that electronic cigarettes can be dangerous because users inhale carcinogens and toxic chemicals, such as diethylene glycol, an ingredient found in antifreeze. Recent studies have suggested that e-cigarettes may contain more carcinogens than traditional cigarettes, in some instances ten times the carcinogens of traditional cigarettes.

In 2012, New York State banned the sale and distribution of e-cigarettes to minors under the age of 18. Despite this, the CDC reports the use of e-cigarettes among middle-school and high-school students more than doubled from 2011 to 2012.

Since e-cigarettes are not currently defined as a "tobacco product" under the NYS tax law, retailers that sell e-cigarettes do not need a tobacco registration from the Department of Taxation and Finance. This results in stores that do not sell traditional tobacco products being able to sell e-cigarettes. Since these retailers are not registered, there is no way for the Department of Health's Enforcement Unit to know that they are selling e-cigarettes or to conduct compliance checks to ensure they are not selling to minors. This bill will also require that they register if they sell e-cigarettes.

The Medical Society has policy that says that the use of e-cigarettes in public places should be done in accordance with the provisions of New York State's Clean Indoor Air Act.

For the above reasons, **The Medical Society of the State of New York strongly supports this bill and urges that it be passed.**

Respectfully submitted,

**DIVISION OF GOVERNMENTAL AFFAIRS**

**6/5/17 Support  
PFC**