



NEW YORK STATE SENATOR

Monica R. Martinez

## Senator Martinez and Assemblyman Fall Announce Legislation Addressing Underage Vaping Crisis

MONICA R. MARTINEZ March 11, 2024

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



Martinez, Fall and Advocates urge passage of bill targeting vaping products that target children. With 18.7% of New York high school students **reporting** to use electronic cigarettes, State Senator Monica R. Martinez and Assemblyman Charles Fall are calling for the approval of **legislation** intended to *clear the air* of underage vaping. The proposal, pending in both the state Senate and Assembly, will ban the sale of e-cigarette products that resemble school supplies, toys, or are packaged in a way to appeal to minors. Nicotine, the substance found in

over 95% of the e-cigarettes sold in the United States, has been linked to significant risks to adolescent health, including brain development, impulse control, and impacts on mood, attention, and learning.

Under the bills, any business that sells tobacco products, herbal cigarettes, liquid nicotine, shisha, electronic cigarettes, rolling papers, or smoking paraphernalia would be prohibited from selling products that resemble or are designed to resemble school supplies, toys, or any other product packaging tailored or advertised in any way to target the youth population. These 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. Violators will 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.

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. Alarmingly, 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."

"Lifelong addiction often begins in childhood," said **Senator Martinez**. "Research indicates that younger individuals are more susceptible to nicotine addiction due to the ongoing development of the brain. Unfortunately, the results of the most recent National Youth Tobacco Survey show us that we are losing the battle to keep these products from children, setting up a future for them defined by addiction."

Senator Martinez continued, “As a former educator, I recognize these devices are not only specifically designed to attract the attention of children but are also easily disguisable as common classroom supplies. In a school setting, these products have the potential to evade the notice of personnel and inadvertently normalize vaping behavior among students, presenting a serious challenge to maintaining a safe and conducive learning environment.”

**Assemblyman Charles Fall**, who is sponsoring the proposal in that chamber said, "Proud to introduce this bill in the Assembly as it takes a significant step towards protecting our children and youth from the dangers of vaping. It's imperative that we close the loopholes that allow vape products to be disguised as school supplies or toys. These deceptive practices are not only unethical but directly target our most vulnerable population—our kids. We must ensure that policy evolves to address these new threats. Our priority is clear: safeguard the health and well-being of our young people by making it harder for these products to fall into their hands."

The initiative is also being co-sponsored by Senators Joseph P. Addabbo Jr., George M. Borrello, Nathalia Fernandez, Dean Murray, Anthony H. Palumbo and Steven D. Rhoads

“In order to protect young people from these addictive and dangerous products, we have to send a message to the bad actors in the vaping industry that we won’t stand idly by as they target our kids. This bipartisan legislation banning vape products that resemble school supplies or toys must be part of efforts to combat this problem, along with raising awareness and educating both students and parents on the health harms that result from vaping,” said **Senator Borrello**.

**Senator Palumbo** said, "Adult Use Only. Vape and tobacco products are for adult consumption and should not be marketed in ways that appeal to our youth. Vaping is endemic throughout our schools and poses serious health risks for students, many of which

are not yet fully developed. This legislation would help keep these products out of the hands of our youth and reduce the number of young New Yorkers who become addicted to these dangerous substances."

According to **Senator Rhoads**, "Every day, millions of young people are being targeted and lured into a dangerous addiction - one that not only threatens their health and well-being, but also their future. As a society and elected officials, it is our duty to take bold action, and this bill is a crucial step towards protecting our children from the deceptive tactics of the vaping industry. It is time to put an end to predatory manipulation and safeguard the future of our youth. I am proud to work in a bi-partisan manner to strongly support this bill that takes meaningful steps towards protecting our children and I look forward to seeing its passage."

**Dr. Jeff Kaczorowski**, Chair of the New York State American Academy of Pediatrics 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."

"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," said **Robert Schneider**, executive director of the New York State School Boards Association.

"NYSSBA supports this legislation introduced by Senator Martinez and Assembly Member Fall to prohibit the sale of vape products that resemble toys or school supplies or that are packaged or advertised in ways designed to appeal to minors."

NYSUT President **Melinda Person** 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
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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?