



May 8, 2014

Senator Kemp Hannon, Chairman
Members of the New York Senate Health Committee
Legislative Office Building
Albany, NY 12224

RE: Senate Bill 6562

Dear Chairman Hannon and Members of the Senate Health Committee:

The National Association of Tobacco Outlets and its New York State member retail stores oppose S. 6562 which would include the use of an electronic cigarette in the definition of “smoking” under the New York State Public Health Law, and thereby effectively banning the use of these products in most public places.

- Banning the use of e-cigarettes is premature. A significant body of scientific evidence has not yet been compiled to either support or justify a state law banning the use of electronic cigarettes. Conjecture and unsubstantiated claims should not be relied upon to restrict the use of this new kind of product. Lawmakers in Hawaii and Maryland failed to pass similar bills.
- On April 24, 2014, the U.S. Food and Drug Administration released a set of proposed regulations. The FDA regulations acknowledge that “[e]merging technologies such as the e-cigarette may have the potential to reduce the death and disease toll from overall tobacco product use depending on who uses the products and how they are used. If such products result in minimal initiation by children and adolescents while significant numbers of smokers quit, then there is a potential for the net impact at the population level to be positive.”
- If future scientific data demonstrates that electronic cigarettes will have a positive public health impact as the FDA acknowledges, then adopting S. 6562 will result in a public health disservice by banning the use of electronic cigarettes in public places while simultaneously encouraging current tobacco users to continue to smoke combustible tobacco products.

The action you take on S. 6562 will represent a pivotal decision to either support a potentially less harmful tobacco product or maintain the status quo with smokers provided little or no incentive to transition to using electronic cigarettes.

Sincerely,

Thomas A. Briant

NATO Executive Director



2014 State Legislation Seeking to Restrict or Prohibit Use of Electronic Cigarettes in Public Places

Hawaii: The following three bills that would restrict or prohibit the use of electronic cigarettes in public places were not passed by the Hawaii legislature:

House Bill 2077/Senate Bill 24989: Would prohibit smoking, including the use of electronic tobacco devices, on the University of Hawaii premises.

House Bill 2321/Senate Bill 2871: Would prohibit the use of electronic smoking devices where smoking of traditional tobacco products is prohibited.

House Bill 2542 would include the use of electronic cigarettes in the definition of smoking under the state smoking restriction bill.

Maryland: The following bill that would restrict or prohibit the use of electronic cigarettes in public places was not passed by the Maryland legislature:

House Bill 1291: Would prohibit the use of electronic tobacco devices where smoking of traditional tobacco products is prohibited under state law.