



MEMORANDUM IN SUPPORT

A. 1468 (Rosenthal)

An Act to amend the public health law, in relation to prohibiting the sale of electronic cigarettes to minors and in relation to prohibiting the distribution or sale of any item containing or delivering nicotine that is not defined by law as a tobacco product or approved by the United States food and drug administration for sale as a tobacco use cessation or harm reduction product.

Also known as “e-cigarettes,” electronic cigarettes are battery-operated devices designed to look like and be used in the same manner as conventional cigarettes. Sold online and in many retail locations, these devices consist of a cartridge filled with nicotine and other unknown chemicals. When the cartridge is heated (but not burned) using power from the battery, the chemicals are converted into a vapor that is inhaled by the user and then exhaled into the surrounding environment.

Because they produce no visible smoke, e-cigarettes are promoted as a source of nicotine that can be used in place of conventional cigarettes in non-smoking areas. They are also promoted as a safe alternative to tobacco.

Most of these devices are manufactured outside the United States, and none have been submitted to inspection or oversight by any regulatory body. Analysis by the federal Food and Drug Administration of randomly selected samples of the devices revealed the presence of toxic chemicals and known carcinogens to which users could be exposed. The FDA has asserted regulatory authority over the products, which is being challenged in court, and has issued a warning to consumers about potential health risks. It has seized shipments of e-cigarettes, but they continue to be readily available in shopping malls, retail stores and on-line.

This bill prohibits the sale in New York of e-cigarettes unless the FDA approves them and prohibits their sale to children under 18 in all cases.

The American Cancer Society believes this proposal is a common-sense consumer protection measure. If e-cigarettes are harmless to users and bystanders, as the manufacturers claim, the burden should be on them to prove it by subjecting their product to FDA regulation that ensures safety, quality control and full disclosure of ingredients to consumers before they inhale the contents into their lungs. Once FDA determines that e-cigarettes are what they claim, that is, a safe alternative to tobacco use, they would be available to adult consumers in New York.

The American Cancer Society strongly supports enactment of this legislation.

For further information please contact Russell Sciandra, 518-449-5438 ext. 12