



EMPIRE STATE SUPERVISORS AND ADMINISTRATORS ASSOCIATION

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ESSAA Supports Proposed Legislation to Curb Tobacco and E-Cigarette Products

As concerned school administrators responsible for the welfare of our students, the Empire State School Administrators Association (ESSAA) agrees with the proposed legislation currently before the NYS Legislature that will raise the minimum sales age for tobacco and electronic cigarette products from 18 to 21. The legislation, which also calls for an end to the sale of tobacco and e-cigarette products in pharmacies and expands the State Health Department's authority to ban the sale of certain flavored e-cigarette liquids, among other measures, is necessary to protect our youth from a life time of addiction and the health hazards that comes with it.

As school leaders, we believe it is important to provide health education programs that combat the use of harmful tobacco and vapor products by our vulnerable youth. Despite progress, tobacco use continues to be the number one cause of preventable death in New York State. About 28,000 adult New Yorkers die every year as a result of smoking-related illnesses. Between 2014 and 2018 use of e-cigarettes by minors increased by 160 percent from 10.5 percent to 27.4 percent and more than half of teens falsely believe that e-cigarette use is harmless.

In response to these alarming facts, we support proposed legislation that will:

- **Raise the minimum sales age for tobacco and electronic cigarette products from 18 to 21:** Most underage youth obtain tobacco and vapor products from friends, who are over 18 and can legally purchase products. Raising the minimum age will curb youth tobacco use and remove sources of tobacco from high schools.
- **End the sale of tobacco and electronic cigarette products in pharmacies:** Pharmacies sell tobacco cessation products and pharmaceuticals, and increasingly provide healthcare and health education. Allowing them to continue to sell tobacco products sends the incorrect message that tobacco products are safe. Ending the sale of tobacco and e-cigarette products in pharmacies will reduce the availability, visibility, and social acceptability of tobacco use, especially to youth.

- **Implement display restrictions:** Prohibiting the display of tobacco products and e-cigarettes, in all retail stores that are not adult-only will reduce youth exposure to predatory marketing practices.
- **Clarify the Health Department's authority to ban the sale of certain flavored e-cigarette liquids:** Flavored combustible cigarettes, except menthol, were banned by the FDA in 2009 to reduce youth smoking as they were frequently used as a starter product. Flavors, such as sweet tart, toffee, and bubble gum, make e-cigarettes more attractive to youth, therefore providing the Department of Health with the authority to ban the sale of certain flavored liquids that target youth use of e-cigarettes is a sensible measure to discourage their use by children and teens.
- **Restrict available discounts provided by tobacco and electronic cigarette manufacturers and retailers:** New York has the highest cigarette tax in the nation, but manufacturers and retailers have developed tactics to reduce prices, such as "buy one, get one free" discounts. These tactics directly target price-sensitive consumers, including youth. Restricting discounts on tobacco and vapor products will strengthen the impact of New York's tax on tobacco and disincentivize tobacco use.
- **Require e-cigarettes be sold only through licensed retailers:** Currently the sale of e-cigarettes is almost entirely unregulated. Restricting the sale to licensed retailers will facilitate better enforcement to ensure that minors do not purchase tobacco products.