

1 **2025 NYSAC Legislative Conference**
2 **Standing Committee on Public Health/Mental Health**
3 **Resolution #2**

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5 **Resolution Supporting A.2128 (Rosenthal) to Strengthen Enforcement**
6 **Authority and Close Statutory Loopholes for Regulation of Flavored Vapor**
7 **Products**
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9 **WHEREAS**, in New York State, 18.7 percent of high school students report using e-
10 cigarettes, which is significantly higher than the national average of 10 percent; and

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12 **WHEREAS**, e-cigarette use has been linked to the onset of various lung diseases,
13 exposure to cancer-causing chemicals, and a dangerous addiction to nicotine; and

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15 **WHEREAS**, inhalation of toxic chemicals produced by e-cigarettes results in a
16 spectrum of diseases referred to as EVALI (e-cigarette or vaping use-associated lung
17 injury), causing inflammation of the lungs and symptoms such as chest pain, fever, and
18 shortness of breath; and

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20 **WHEREAS**, e-cigarette use during adolescence puts children at risk of stunting lung
21 development and inhibiting their ability to reach full functional potential; and

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23 **WHEREAS**, in 2020, New York State enacted legislation to address the epidemic of e-
24 cigarette use among youth by banning the sale of flavored products; and

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26 **WHEREAS**, despite this intent, statutory loopholes have created significant challenges
27 to effective enforcement of the law, including:

- 28 • Retail inspection limitations that do not require retailers to make their entire
29 premises available to inspectors;
- 30 • Increased frequency of persistent violators operating without a license or with
31 expired licenses;
- 32 • Out-of-state sales exemptions being misused to justify stocking prohibited
33 products;
- 34 • Lack of authority to remove illegal products from retail premises;
- 35 • Continued distribution of flavored products by suppliers with no mechanism to
36 track deliveries;
- 37 • Rise of deceptive products designed to circumvent flavor bans; and
- 38 • Growth in sales of "camouflage" vape products disguised as common items; and

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40 **WHEREAS**, Assembly Bill 2128 (Rosenthal) would strengthen enforcement by:

- 41 • Prohibiting the storage of flavored vapor products near where vapor or tobacco
42 products are sold;
- 43 • Providing authority to suspend or revoke vapor product dealer registrations;
- 44 • Establishing penalties for violations and inspections refusals; and
- 45 • Enhancing record retention requirements; and

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
2 Counties (NYSAC) calls upon the Governor and Legislature to enact A.2128 (Rosenthal)
3 to close existing statutory loopholes and provide proper enforcement tools to protect
4 youth from flavored vapor products; and

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6 **BE IT FURTHER RESOLVED**, that NYSAC urges the Governor and Legislature to
7 restore funding for tobacco prevention and control to \$40.6 million in the 2025-26 State
8 Budget, undoing the \$7.5 million cut from SFY 2024-25; and

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10 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
11 New York encouraging member counties to enact similar resolutions; and

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13 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
14 Governor Kathy Hochul, the New York State Legislature and all others deemed
15 necessary and proper.