



Testimony of the New York State School Boards Association

Senate Standing Committees on Consumer Protection, Health and Education

Public Hearing: To investigate the safety and potential harms of electronic cigarettes and vaping, especially among school-aged youth

Submitted November 4, 2019

The New York State School Boards Association (NYSSBA) appreciates the opportunity to submit testimony to the Senate Committees on Consumer Protection, Health and Education on behalf of the 676 member school boards we serve.

The vaping epidemic is a quickly growing concern for school districts across the state. The health repercussions associated with vaping and e-cigarette use are only recently beginning to be fully understood. Use of such products by students and other minors is an issue school districts are already working hard to combat and state support is a critical part of the solution.

Reflecting those concerns, just last month NYSSBA membership overwhelmingly approved two resolutions in support of additional legislative and regulatory action around the issue of vaping. School board members from around the state are in clear support for increased regulation of the consumption, manufacturing, distribution and advertisement of vaping products, as well as additional penalties for businesses or individuals who sell or provide vaping products to anyone who is underage.

Studies show that vaping, or e-cigarette use, among teens has risen dramatically in recent years, increasing among high school students by 900% from 2011 to 2015. Considered an epidemic by the U.S. Food and Drug Administration, school districts are working diligently to find effective ways to discourage vaping and educate students and their parents on potential dangers of such products. Advertising that portrays vaping in a positive light, as well as the wide variety of flavors such as bubble gum, mango, coconut and cotton candy, are enticing to youth and exacerbate this epidemic.

NYSSBA is encouraged by recent attempts by Governor Cuomo to ban the sale of certain flavored e-cigarettes through emergency executive action. However, a state appellate court put the ban on hold until the case is heard by the Supreme Court in Albany, possibly necessitating legislative action. Earlier this year, Governor Cuomo also signed legislation raising the age to purchase tobacco and e-cigarettes from 18 to 21, which takes effect later this month. The Governor further directed the State Police to partner with the Department of Health to conduct undercover investigations across the state under The Adolescent Tobacco Use Prevention Act, which enlists underage youth to attempt to buy tobacco and e-cigarette products to identify illegal sales. NYSSBA supports these efforts.

It is important to remember that e-cigarettes were devised to deliver nicotine through a tobacco-free approach. Although e-cigarettes were developed in part to help adult smokers cut their tobacco-use and to provide a "healthier" alternative, no study has yet been conducted that can provide information on the long-term effects of e-cigarette use. However, vaping has recently been linked to nausea, eye irritation, vomiting and serious side effects such as "popcorn lung," seizures, cancer and even death. Vaping has too often introduced minors to the use of additional nicotine products, instead of serving its original intent of limiting use.

Most types of e-cigarettes contain nicotine. Some popular vaping products contain roughly the same amount of nicotine found in 20 cigarettes (or one pack). Nicotine is a highly addictive chemical and can cause brain changes leading to compulsive use of e-cigarettes. Adolescents are particularly vulnerable to the adverse effects of nicotine because their brains are still developing. Teenagers who vape are at a higher risk of smoking tobacco cigarettes compared to non-users. Over 30% of adolescents who vaped started smoking traditional tobacco cigarettes within six months. NYSSBA appreciates the legislative action taken earlier this year to include the use of e-cigarettes as part of existing state tobacco prevention programs.

The Centers for Disease Control and Prevention (CDC) has said there are at least 380 vaping-related cases of respiratory illnesses in 49 states. As of late October, 34 deaths have been confirmed in 24 states. However, at this time, the FDA and CDC have not identified the cause or causes of the lung injuries in these cases, although the only commonality among all cases is that patients report the use of e-cigarette products. According to the FDA and CDC, no one compound or ingredient has emerged as the cause of these illnesses to date, and it may be that there is more than one cause of this outbreak. Many different substances and product sources are still under investigation.

Compounding the vaping epidemic in schools is the fact that e-cigarette devices are small and can resemble flash drives or pens, making it difficult to identify vape usage within the confines of school buildings. Districts have taken to installing detectors in school bathrooms in an attempt to identify when such products are being used. NYSSBA has also heard reports of students attempting to vape in classrooms themselves, due to the discreet nature of the devices.

School districts across the state are vigorously educating their students about the dangers associated with the use of e-cigarettes and other vaping products. They continue to evaluate and implement practices and procedures to deter their students from engaging in such activities. NYSSBA encourages the state to adopt additional regulations on the manufacturing, distribution, and marketing of vaping products. And further increasing penalties for underage sales will also help protect the current and future health of our students.

We thank you for your efforts and stand ready to assist you in this process.