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Leading Health Organizations Join Forces with State Legislators to Work to Include E-cigarettes in Clean Air Law

ALBANY, NY – May 13, 2015 – Leading health organizations in New York State have announced that they have formed a coalition to work toward passage and enactment of legislation that will include e-cigarettes in New York State's Clean Indoor Air Law.

The organizations include: The American Cancer Society Cancer Action Network (ACS CAN); American Heart Association/American Stroke Association (AHA); American Lung Association (ALA); The Medical Society of the State of New York (MSSNY); Campaign for Tobacco Free Kids (TFK); Roswell Park Cancer Institute; League of Women Voters (LWV); New York Health Plan Association (HPA); County Health Officials of New York (NYSACHO); New York Chapter American College of Physicians; Services Inc.; Americans for Nonsmokers' Rights; New York State Academy of Family Physicians; and New York State Public Health Association.

The legislation, sponsored by Senator Kemp Hannon and Assemblymember Linda B. Rosenthal was recently reported out of the Senate and Assembly health committees. The bill subjects e-cigarettes to New York State's Clean Indoor Air Act, prohibiting their use in all workplaces, including restaurants and bars, and other places that do not allow smoking. Earlier this year Governor Cuomo announced his support for such a policy that would prohibit the use of e-cigarettes anywhere smoking is prohibited in New York State. When enacted, this law will protect bystanders against second-hand exposure to nicotine and other potentially harmful chemicals found in e-cigarettes. It will also help ensure that enforcement of the existing smoke-free law is not compromised, and that the public health benefits of

smoke-free laws are not undermined. In addition, e-cigarette vendors will also be required to register with the New York State Department of Tax and Finance and the New York State Department of Health.

Senator Kemp Hannon (R-Nassau) said: "E-cigarettes remain unregulated by the FDA and little is known about the chemical make-up of the liquid nicotine they contain and the harm to individuals from inhaling the vapor directly or through secondhand exposure. Recent studies have shown that e-cigarettes may actually contain more carcinogens than traditional cigarettes and that the devices produce secondhand smoke containing toxic levels of metals. This legislation is necessary to protect the rights of nonsmokers who do not wish to be exposed to the potential harms associated with these devices."

Assemblymember Linda B. Rosenthal (D/WF-Manhattan) said: "Expanding the protections of the Clean Indoor Air Act to include e-cigarettes is a common sense measure that will protect New Yorkers against exposure to irritating and dangerous chemicals. Using e-cigarettes in places where smoking traditional tobacco products is banned not only poses a health risk, but also undermines the benefits of the Clean Indoor Air Act. While we continue to wait for the FDA to take action on e-cigarettes, states must take the lead in protecting the health and safety of their people."

Bill Sherman, vice-president of government relations of the Eastern Division of the American Cancer Society Cancer Action Network said: "We are very pleased that this coalition has come together to work to protect all New Yorkers from the potential dangers of the aerosol emitted from e-cigarettes. Tobacco use is the nation's most preventable cause of death. This legislation will expand a best practice policy to further protect non-smokers, including young people, from being attracted to using e-cigarettes."

Jeff Seyler, President and CEO of the American Lung Association of the Northeast said: "New Yorkers should not be exposed to potentially unsafe secondhand emissions from electronic cigarettes when visiting bars, restaurants and workplaces. The bill sponsored by Assemblymember Rosenthal and Senator Hannon is a commonsense step forward to protect the health of New Yorkers. Residents throughout the state deserve to have healthy air to breathe no matter what county they live in. We urge the legislature to put public health first and pass the bill."

Kevin O'Flaherty, Director of Advocacy – Northeast Region, Campaign for Tobacco Free Kids said: "This legislation will further the fundamental purpose of the law – to protect everyone's right to breathe clean air in workplaces and public places. E-cigarettes currently are not regulated; manufacturers are not required to disclose what is in them or in their emissions; and there are important gaps in our knowledge of their impact on the health of users and non-users. Given these concerns about the health impact of e-cigarettes, it only makes sense to prevent exposure by non-users in workplaces and public places. In addition, the Clean Indoor Air Act creates an environment that encourages smokers to quit and discourages kids from smoking. This legislation will preserve these benefits as well."

Joseph Maldonado, MD, MSc, MBA, DipEBHC, President of the Medical Society of the State of New York said: "E-cigarettes can deliver nicotine to the user as an aerosol. They are usually battery-operated and come with a replaceable cartridge that may contain liquid nicotine. When heated, the liquid in the cartridge turns into an aerosol that's inhaled. Nicotine is a drug, and poison experts say the concentrated liquid form used in e-cigarettes is highly toxic, even in small doses. It can be inhaled or absorbed through the skin. Nicotine is highly addictive whether used in a regular cigarette or an e-cigarette. Most troubling to the Medical Society, is that the Centers for Disease Control and Prevention report that the largest increase in current e-cigarette use occurred from 2013 to 2014. Current e-cigarette use tripled from 2013 (660,000 [4.5 percent]) to 2014 (2 million [13.4 percent]) among high school students and among middle school students, prevalence increased by a similar magnitude, from 1.1 percent (120,000) to 3.9 percent (450,000). As with cigarettes, our young people are susceptible to the modeling of the same type of adult behavior. We must take the first steps to prevent this and MSSNY supports including e-cigarettes under the Clean Indoor Air Act."

Dr. Mark Travers, Assistant Professor of Oncology and Director of the Air Pollution Exposure Research Laboratory at Roswell Park Cancer Institute said: “Research conducted at Roswell Park Cancer Institute has proven that e-cigarettes are not emission-free, and that these emissions may pose health risks, especially to nonusers. Electronic cigarette emissions include nicotine, the weed killer acrolein, the embalming agent formaldehyde and the cancer causing chemical and irritant acetaldehyde. The spirit of New York’s Clean Indoor Air Act is to provide clean, safe air to breathe in indoor public places, and it makes sense to include electronic cigarettes within its provisions.”

Dr. Lawrence Eisenstein, MD, Commissioner of Health for Nassau County and Chair of NYSACHO’s Disease Control Committee said: “E-cigarettes are unproven as smoking cessation aids and may be used by smokers in place of medicines that have been proven to be safe and effective for smoking cessation. Furthermore, the public cannot be assured of a safe, smoke-free environment until and unless E-Cigarettes are covered by state statutes protecting individuals from exposure to vapor that may contain harmful tobacco related toxins.”

Paul Macielak, President & CEO of the New York Health Plan Association said: “Managed care plans emphasize primary and preventive care. Given the lack of information about the potential health risks posed by e-cigarettes, protecting New Yorkers against the possible dangers is the best course of action.”

Michael Seserman, President of the New York State Public Health Association said: “The state has dramatically reduced tobacco use among youth over the past decade by denormalizing its use. Allowing electronic cigarettes use virtually anywhere risks reversing that trend by making it cool again to be smoking cigarettes. Kids’ lives matter. “

Julianne Hart, NYS Government Relations Director for the American Heart Association said: "E-cigarette use should not be allowed where smoking is prohibited. We simply don't know enough about e-cigarettes. And we need more research about their long-term health impact. But we do know e-cigarettes are dangerous because they target young people, can keep people hooked on nicotine, and threaten to re-normalize tobacco use."

The members of this coalition look forward to working with legislative leaders and Governor Cuomo to pass and enact this bill.

About ACS CAN

ACS CAN, the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society, supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN works to encourage elected officials and candidates to make cancer a top national priority. ACS CAN gives ordinary people extraordinary power to fight cancer with the training and tools they need to make their voices heard. For more information, visit www.acscan.org.