

Governor Cuomo Announces Proposal to Raise Tobacco and E-Cigarette Sales Age From 18 to 21 to be Included in 2019 Executive Budget

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Governor Andrew M. Cuomo today announced a proposal to raise the minimum sales age for tobacco and electronic cigarette products from 18 to 21 will be included in the 2019 executive budget. The proposal is part of the Governor's comprehensive legislation to curb tobacco and e-cigarette products, which also calls for an end to the sale of tobacco and e-cigarette products in pharmacies and clarifies the State Health Department's authority to ban the sale of certain flavored e-cigarette liquids, among other measures.

"We have made great strides to stamp out teen smoking, but new products threaten to undo this progress to the detriment of millions of Americans. In New York, we refuse to stand idly by while unscrupulous businesses target our young people and put their very futures at risk," **Governor Cuomo said.** "With this comprehensive proposal, we are taking aggressive action to combat this very real public health crisis and curb the use of nicotine products before they result in deadly consequences for an entire generation of New Yorkers."

To combat the use of harmful tobacco and vapor products, Governor Cuomo will propose comprehensive legislation that includes:

- **Raising 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.
- **Ending 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.
- **Implements display restrictions:** New York will prohibit the display of tobacco products and packaging, including e-cigarettes, in all retail stores that are not adult-only. This practice will reduce youth exposure to predatory marketing practices.
- **Clarifies 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. Most e-cigarette users said their first e-cigarette was flavored. Flavors, such as sweet tart, toffee, and bubble gum, make e-cigarettes more attractive to youth. The budget will include a proposal to provide the Department of Health the authority to ban the sale of

certain flavored liquids that target youth use of e-cigarettes.

- **Restricting 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 allow the current enforcement infrastructure to ensure that minors do not purchase tobacco products.

Under Governor Cuomo's leadership, New York State has moved from the 18th healthiest state in the nation in 2012 to the 10th healthiest state in the nation in 2017. In 2017, Governor Cuomo expanded the Clean Indoor Air Act to prohibit e-cigarette use in nearly every workplace to protect workers and the public from harmful secondhand tobacco smoke and vaping aerosols.

Despite this 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. Additionally, an increasing number of underage youth are using both traditional cigarettes and e-cigarettes. From 2014 to 2018 youth use of e-cigarettes 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.

New York State Health Commissioner Dr. Howard Zucker said, "New York State, under Governor Cuomo's leadership, continues to fight the epidemic of nicotine addiction and this important legislation will further safeguard New Yorkers from the adverse health effects associated with exposure to tobacco products, especially among our youth."

More information about tobacco use and prevention can be found [here](#).