With the recent flurry of news regarding tobacco control developments in New York State, STTAC would like to provide an update. STTAC will continue to serve as a local tobacco control resource and we are available for any questions.

New York State health officials voted Tuesday (9/17) to carry out Governor Andrew Cuomo's executive action to ban sales of most flavored electronic cigarettes and nicotine e-liquids. This ban will stand for 90 days as a piece of emergency legislation. It will need to be renewed to continue.

The ban goes into effect immediately, but the Department of Health will provide retailers with an approximate two-week grace period before conducting visits to enforce the flavoring ban beginning on Friday, October 7. Local health departments and the Department's District Offices, with State oversight, will handle enforcement. Retailers who violate the ban will face fines of up to $2,000 per violation, which is defined as each unit of flavored e-liquid or product containing e-liquid that is possessed, manufactured, sold or offered for sale.

The only two flavors customers will be able to buy are tobacco and menthol. New York State Health Commissioner Dr. Howard Zucker said in the emergency meeting that officials will take a closer look at menthol to decide whether it should be banned as well.

On September 9, the state mandated stores post signage about the dangers of vaping illegal e-cigarette and e-liquid products. On September 12, an executive order mandated that all tobacco and prevention and cessation programs include e-cigarette prevention materials. The order also expanded school-based programs.

On November 13 the state will raise the legal age to purchase tobacco products to 21.

On December 1 vapor product dealers will be required to register with the state and a 20% tax on e-cigarettes products will be in place.


The current e-cigarette-related illnesses in NYS and beyond, and the announcement of a ban on flavored e-cigarettes (except menthol), provide opportunities to raise awareness of the broader public health crisis of youth e-cigarette use and the impact of flavored tobacco products on youth use.

Dr. Howard Zucker, the NYS Health Commissioner, is calling upon the Public Health and Health Planning Council (https://www.health.ny.gov/facilities/public_health_and_health_planning_council/) to continue to advise on the specifics of the sales restriction, including, perhaps, the scope of products covered, definitions to describe covered (or excluded) products, and more.

Below are the names of the committee members on the PHHPC’s Codes Committee. These members, along with Dr. Zucker and Governor Cuomo, are key stakeholders in this public health initiative.

Committee On Codes, Regulations and Legislation:

CHAIR - Angel Gutierrrez, M.D. (Buffalo)  John Rugge, M.D. (Warren)
VICE CHAIR - Thomas Holt (NYC)  Kevin Watkins, M.D. (Cattaraugus)
Kathleen Carver-Cheney (NYC)  Patsy Yang, Dr.P.H. (NYC)
Judy Baumgartner (Western NY)