

New York Council Adds E-Cigarettes to Smoking Ban

By Martin Z. Braun Dec 20, 2013 12:00 AM ET

The New York City Council approved adding electronic cigarettes to a ban on smoking in offices, restaurants, bars and parks, a move that may be followed by other U.S. cities.

The measure, backed by Mayor Michael Bloomberg, Council Speaker Christine Quinn and Health Commissioner Thomas Farley, passed 43 to 8 yesterday.

E-cigarettes, battery-operated tubes that simulate the effect of smoking by producing nicotine vapor, may be a gateway to smoking regular cigarettes and make quitting harder, Quinn said. The law would take effect in four months, said Jamie McShane, a spokesman for the speaker.

Proponents say e-cigarettes don't produce the toxic and carcinogenic byproducts found in second-hand smoke. Users, who call the practice "vaping," turn to e-cigarettes to wean themselves off regular ones and shouldn't be stigmatized, according to a pro-industry website funded by NJOY Inc. a Scottsdale, Arizona-based e-cigarette maker.

"The council has worked for well over a decade to curb smoking in New York City and I really believe it's one of our greatest accomplishments," Quinn said before the vote. "E-cigarettes threaten, in my opinion, to undermine enforcement of the Smoke-Free Air Act."

Since Bloomberg took office in 2002, the city has raised tobacco taxes and banned smoking in public places, a move copied by municipalities across the U.S. In a council hearing this month, Farley said failing to ban e-cigarettes would jeopardize progress.

Life Expectancy

Bloomberg, who has pushed public-health programs, both as mayor and as a private philanthropist, says the smoking rate of adult New Yorkers has fallen by more than a quarter during his 12-year term, while teen smoking has been cut in half. The change has contributed to city residents' life expectancy rising to a record of almost 81 years for babies born in 2010.

The mayor has also required restaurant chains to post the calorie content of menu items and sought to limit sales of large-sized sugary drinks. Critics say Bloomberg has tried to impose a "nanny-state," with government policies that interfere with personal choice.

Tobacco industry analysts are watching e-cigarette regulation in New York and potential bans in Chicago and Los Angeles because of the possibility that other cities will follow suit, said Ken Shea, a senior analyst with Bloomberg Industries in

Skillman, New Jersey. Such bans may curb e-cigarette sales, estimated next year at \$3 billion annually, he said.

Following Suit

“Look at all the other policies that Mayor Bloomberg has put in that have been copied by others,” said Shea. “It’s reasonable to think it could happen with e-cigs as well.”

The mayor is the founder and majority owner of Bloomberg News parent Bloomberg LP.

Most major tobacco companies, including Altria Group Inc. (MO) and Reynolds American Inc. (RAI), are pursuing the e-cigarette market, Shea said.

In October, Murray Kessler, chief executive of Lorillard Inc. (LO), which acquired Blu Ecigs for \$135 million last year, said vaping is exacerbating the decline of traditional cigarettes, reducing volume by about 1 percent. U.S. sales of cigarettes totaled \$89 billion in 2012, according to data compiled by Bloomberg.

A Lorillard executive said before the vote that the company was disappointed with the decision. “Making less harmful products widely available to smokers should be a top priority,” said Robert Bannon, the company’s director of investor relations, in an e-mailed statement. “However, the NYC e-cigarette ban will only discourage smokers of combustible cigarettes who want to switch to an alternative product.”

Age Law

The council’s vote comes two months after it raised the legal age to buy tobacco products and electronic cigarettes to 21 years old from 18. New York joins states such as New Jersey and Utah that ban the use of e-cigarettes where smoking is prohibited.

The percentage of high-school students who reported using an e-cigarette rose to 10 percent in 2012 from 4.7 percent a year earlier, according to the U.S. Centers for Disease Control and Prevention’s National Youth Tobacco Survey released in September. The study also found that about three-quarters of students who used e-cigarettes within the past 30 days also smoked conventional ones in the same period.

Last year, 1.8 million middle- and high-school students had tried e-cigarettes, a trend that CDC Director Tom Frieden, a former New York City health commissioner, called “deeply troubling.”

<http://www.bloomberg.com/news/2013-12-19/new-york-council-set-to-add-e-cigarettes-to-citywide-smoking-ban.html>