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N.J. may be first to ban e-cigarettes

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PARAMUS — A proposed borough ban on the indoor use of electronic cigarettes could be emulated by the state and Bergen County, making New Jersey one of the first states in the country with legislation against the device marketed as a healthier alternative to smoking, lawmakers said today.

“While there are people marketing this product in a way that talks about small dangers, when you use the word, ‘danger,’ there’s always a danger,” Mayor James Tedesco said at a joint press conference announcing the legislation.

The proposed regulations would link battery-powered cigarettes, which deliver nicotine when a user inhales a vaporized solution, with traditional cigarettes, pipes and cigars, a move that some electronic cigarette advocates say is unreasonable because their product does not contain tobacco.

Assemblywoman Connie Wagner, D-Paramus, said she would introduce bill in November that would extend fines for smoking traditional tobacco products indoors to electronic cigarettes.

The bill would impose fines of up to \$1,000 and may also include restrictions on selling e-cigarettes to minors, Wagner said.

The Bergen County resolution, scheduled for a vote by the freeholders tomorrow, would ban the use of electronic cigarettes in county buildings, vehicles and parks.

The state and county regulations are modeled after rules under consideration in Paramus, where the Health Department began targeting electronic cigarettes in September after noticing a kiosk at the Westfield Garden State Plaza mall where salespeople use them in demonstrations for potential customers. The Paramus ordinance is scheduled to be introduced Oct. 26.

If successful, the bans would follow an indoor ban passed in Suffolk County, N.Y., in August. Other electronic cigarette restrictions are under consideration in Connecticut, California and Oregon.

Wagner said she expected a challenge to a state ban, because clinical studies of the potential health risks of using electronic cigarettes or inhaling their vapors second-hand have not been submitted to the federal Food and Drug Administration.

"I can guarantee there will be a legal challenge," she said.

But she and the other lawmakers cited an FDA analysis released in July that found traces of carcinogens and toxic chemicals in some e-cigarette cartridges as an indication that they pose enough of a danger to be restricted until they are better understood.

One of the cartridges in the FDA analysis contained diethylene glycol, an ingredient used in antifreeze.

The devices are also alarming because they could hook young people on nicotine and come in fruit and candy flavors that could be enticing to children, health officials said.

"My biggest fear is that they will graduate from the use of electronic cigarettes, they'll get hooked, and say, 'You know what, let me go on to the real thing,'" said Al Ferrara, of the Bergen County Health Department.

But Darnell White, the owner of the Smoking Everywhere kiosk at the Garden State Plaza and other franchises, said health officials should also consider the purported benefits of his product, including the popular claim that they actually help people stop smoking.

"If there was something wrong with the product, they would have pulled it off the market already," he said. "Where are the sick people? Where are the dying people? All I see are people being helped."

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